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WHO: The Office of the Federal Register.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33-6832; 34-26745; File No. S7-1-89]

Statement of the Commission Regarding Disclosure by Issuers of Interests in Publicly Offered Commodity Pools; Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: On February 6, 1989, the Securities and Exchange Commission ("Commission") published in the Federal Register an interpretive statement regarding disclosure requirements in connection with publicly offered commodity pools (54 FR 5600 (Feb. 6, 1989)). The Commission requested comment on matters relating to the disclosure of prior performance data and the presentation of fees, commissions and expenses incurred by publicly offered commodity pools. The Commission's interpretive statement was published simultaneously with an interpretive statement of the Commodity Futures Trading Commission ("CFTC") addressing substantially the same issues. The interpretive statements provided a period for public comment that ended April 7, 1989.

Several potential commentators have requested the Commission and the CFTC to extend the comment period for the agencies' interpretive statements. Such additional time has been requested in order to allow associations representing commodity pool operators and commodity trading advisers to receive and analyze the comments of their memberships and present them to the respective agencies. The CFTC has determined that an extension is appropriate to enhance the opportunity for interested parties to comment on the issues raised in its interpretive statement. The Commission believes that it is appropriate to extend its comment period consistent with the CFTC's extension.

DATE: All comments on the Commission's interpretive statement must be received by May 5, 1989.

ADDRESS: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Comment letters should refer to File No. S7-1-89.

FOR FURTHER INFORMATION CONTACT: Daniel W. Rumsey, Attorney, at (202) 272-3246, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549.

By The Commission.

Jonathan G. Katz,

Secretary.

Dated: April 19, 1989.

[FR Doc. 89-9912 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9F3732/R1020; FRL-3561-5]

Pesticide Tolerance for Hexythiazox

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the acaricide hexythiazox, trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide (hexythiazox) and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parts per million (ppm) of the parent compound) in or on the raw agricultural commodity (RAC) pears. This regulation to establish the maximum permissible level for residues of the chemical was requested pursuant to a petition by the E.I. du Pont de Nemours and Co., Inc.

EFFECTIVE DATE: April 26, 1989.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 2708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 15, Registration Division (H-7504C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2400.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of March 23, 1989 (54 FR 12010), which announced that E.I. du Pont de Nemours and Co., Inc., Walker's Mill Building, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, had submitted pesticide petition (PP) 9F3732 proposing to establish a tolerance in or on the RAC pears at 0.3 ppm for the combined residues of the acaricide hexythiazox, trans-5-(4-chlorophenyl)-N-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as ppm of the parent compound).

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerance include a 12-month feeding study in dogs with a no-observed-effect level (NOEL) of 100 ppm (2.5 milligrams (mg)/kilogram (kg)/day); a 24-month rat feeding/oncogenicity study with dietary levels of 0, 60, 430, and 3,000 ppm with a systemic NOEL of 430 ppm (21.5 mg/kg/day) with no evidence of oncogenicity at 3,000 ppm, which was the highest dose tested (HDT); a 24-month mouse feeding/oncogenicity study with dietary levels of 0, 40, 250, and 1,500 ppm with a systemic NOEL of 250 ppm (37.5 mg/kg/day) in which there were significant increases in liver carcinomas and adenoma/carcinoma in high-dose females at 1,500 ppm (225 mg/kg/day) HDT; a two-generation rat reproduction study with a maternal toxicity NOEL of 400 ppm (20 mg/kg/day) and reproduction toxicity NOEL greater than 2,400 ppm (120 mg/kg/day) HDT; a rat teratology study with maternal and developmental toxicity NOELs of 240 mg/kg/day; and a rabbit teratology study with a maternal

and developmental toxicity NOEL greater than 1,080 mg/kg/day (HDT). All of the genotoxicity studies submitted were negative, including a reverse mutation (Ames) assay in *Salmonella typhimurium;* a chromosome aberration study with Chinese hamster ovary (CHO) cells; an unscheduled DNA synthesis study with rat hepatocytes; and a forward mutation study involving the thymidine kinase (TK) locus in mouse lymphoma cells.

The Agency has classified hexythiazox as a Class C (possible human) oncogen based on a significantly increased incidence of hepatocellular carcinomas ($p=0.028$), and adenomas/carcinomas combined ($p=0.024$) in female mice at the HDT (1,500 ppm) when compared to the controls as well as a significantly increased ($p<0.001$) incidence of preneo-plastic hepatic nodules in both males and females at the highest dose tested (1,500 ppm).

The decision supporting a Category C classification (rather than a Category B classification) was based primarily on the fact that only one species was affected (mouse), mutagenicity assays did not support upgrading to a B classification, and the structure-activity relationship of hexythiazox to other compounds supported a C classification. In classifying hexythiazox as a Category C oncogen, the Agency concluded that a quantitative estimation of the oncogenic potential for humans should be calculated because of the increased incidence of malignant and combined benign/malignant liver tumors in the female mouse. Thus, a Q^{1*} of $3.9X10^{-2}$ $(mg/kg/day)^{-1}$ in human equivalents has been calculated.

A full review of the data indicates that although hexythiazox is an oncogen in mice, the risks would be extremely small from the proposed use on pears. Estimated dietary oncogenic risk to the general population based on the highly conservative assumption that all pears are treated with hexythiazox and would bear residues at the proposed tolerance level is estimated to be 10^{-6}. The Agency believes that actual exposure and risk would be lower. The basis for this is that the risk of 10^{-6} reflects a worst-case dietary exposure because it assumes that 100 percent of the United States pear crop is treated with hexythiazox and that all quantities of the food consumed will bear residue levels as high as the proposed tolerance. In reality, the Agency knows that all pears would not be treated with this pesticide. Based upon an analysis of the market penetration of currently registered acaricides, the Agency expects the percent of crop treated with hexythiazox in a typical year would be about 30 percent. Likewise, the Agency believes that residue levels in pear juice and nectar will not exceed the established tolerance of 0.30 ppm in or on the RAC pears. The maximum residue level in pear juice would be expected to be less than 50 percent of the residue level in whole fruit. In addition, since there are no animal feed items involved with pears and the petitioner has included the label restriction "Do not graze or feed livestock or cover crops growing in treated areas," no secondary residues in meat or milk are expected.

Based on an assessment of the risks of the proposed use of hexythiazox, the Agency believes that the proposed use of hexythiazox on pears will pose an extremely small risk to humans and that the proposed tolerance level is acceptable and should be established.

The acceptable daily intake (ADI), based on a NOEL of 2.5 mg/kg/day from a 1-year dog feeding study and a safety factor of 100 is 0.025 mg/kg body weight/day. The theoretical maximum residue contribution from the proposed tolerance is 0.000037 mg/kg body weight/day. This is equivalent to about 7.4 percent of the ADI.

The metabolism of the chemical in plants for this use on pears is adequately understood. An analytical method (gas liquid chromatography with an electron capture detector) is available for enforcement. Prior to its publication in the *Pesticide Analytical Manual,* Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: By mail: Information Service Section (H-7504C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Office location and telephone number: Room 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-3262.

The tolerance established by amending 40 CFR Part 180 is adequate to cover residues in or on pears.

There are currently no actions pending against the registration of this product. This pesticide is considered useful for the purpose for which the tolerance is sought.

Based on the above information and data considered, the Agency concludes that the tolerance would protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register,** file written objections with the Hearing Clerk (address above). Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164 (5 U.S.C. 601-612)), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from the tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(c), 72 Stat. 1786 (21 U.S.C. 346(c)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 12, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. New § 180.448 is added, to read as follows:

§ 180.448 Hexythiazox; tolerance for residues.

A tolerance is established for the combined residues of the acaricide hexythiazox, trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parts per million of the parent compound) in or on the following commodity:

Commodity	Part per million
Pears	0.30

[FR Doc. 89-9874 Filed 4-25-89; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 7E3556/R1018; FRL-3561-3]

Pesticide Tolerance for Aluminum Tris(O-Ethylphosphonate)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide aluminum tris(O-ethylphosphonate) in or on the raw agricultural commodity ginseng. The Interregional Research Project No. 4 (IR-4) petitioned for this tolerance.

EFFECTIVE DATE: April 26, 1989.

ADDRESS: Written objections, identified by the document control number [PP 7E3556/R1018], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Hoyt Jamerson, Emergency Response and Minor Use Section Registration Division (H-7505C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-2310

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of February 23, 1989 (54 FR 7796), in which it was announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 7E3556 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Station of Wisconsin.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the residues of the fungicide aluminum tris(*O*-ethylphosphonate) in or on the raw agricultural commodity fresh ginseng root at 0.1 part per million (ppm). The petitioner proposed that use of the pesticide on ginseng be limited to Wisconsin based on the geographical representation of the data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 11, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.415(b) is amended by adding and alphabetically inserting the listing for the raw agricultural commodity fresh ginseng root, to read as follows:

§ 180.415 Aluminum tris(O-ethylphosphonate); tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Ginseng root, fresh	0.1
* * * * *	

[FR Doc. 89-9875 Filed 4-25-89; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 7F3506/R1001; FRL-3561-2]

Bensulfuron Methyl Ester; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide bensulfuron methyl ester in or on rice and rice straw. This regulation to establish the maximum permissible level for residues of the herbicide in or on the raw agricultural commodities (RACs) was requested by the E.I. du Pont de Nemours & Co., Inc.

EFFECTIVE DATE: April 26, 1989.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-1830.

SUPPLEMENTARY INFORMATION: A notice was published in the Federal Register of May 13, 1987 (52 FR 18020), which announced that E.I. du Pont de Nemours & Co., Inc., Agricultural Products Department, Walker's Mill Building, Barley Mill Plaza, Wilmington, DE 19898, had filed a pesticide petition (PP7F3506) with EPA. The petition proposed amending 40 CFR Part 180 by establishing a regulation to permit the residues of the herbicide bensulfuron methyl ester (methyl-2[[[[[(4-6-

dimethoxy-pyrimidin-2-yl)amino] carbonyl]amino]sulfonyl] methyl]benzoate) in or on rice at 0.02 part per million (ppm). No comments were received in response to the notice of filing.

The petitioner subsequently amended the petition by proposing a tolerance for residues of bensulfuron methyl ester in rice straw at 0.05 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

The data considered in support of the tolerance include:

1. Plant and animal metabolism studies.

2. An acute oral rat study with an LD_{50} greater than (>) 5,000 milligrams (mg)/kilogram (kg) (limit test).

3. A 90-day dog feeding study with a no-observed-effect level (NOEL) of 1,000 ppm (32.1 and 36.3 mg/kg/day male/female (M/F)).

4. A 90-day mouse feeding study with a NOEL of 1,000 ppm (132 and 133 mg/kg/day, M/F).

5. A 90-day rat feeding study with a NOEL of 1,500 ppm (93 and 111 mg/kg/day, M/F).

6. A rat teratology study with a developmental NOEL of 1,320 mg/kg/day, the highest dose tested (HDT).

7. A rabbit teratology study with a developmental NOEL of 300 mg/kg/day.

8. A two-generation rat reproduction study with a reproductive NOEL of 7,500 ppm (309 and 405 mg/kg/day, M/F) (HDT).

9. A *Salmonella*/Mammalian Activation Assay, negative with and without metoblic activation.

10. An *in vivo* bone marrow chromosome study in rats with no evidence of induced chromosome aberration in bone marrow.

11. An *in vitro* sister chromatid exchange assay in CHO cells with a slight increase in SCE frequency in nonactivated system at maximum concentration, but negative in the activated system at the same concentration.

12. A 1-year dog feeding study with a NOEL of 750 ppm (21.4 and 19.9 mg/kg/day, M/F).

13. A 2-year mouse chronic feeding/oncogenicity study with a NOEL of 2,500 ppm (226 and 227 mg/kg/day, M/F) for systemic effects and with no oncogenic potential observed under conditions of the study up to 5,000 ppm (455 and 460 mg/kg/day, M/F) (HDT).

14. A 2-year rat chronic feeding/oncogenicity study with a NOEL of 750 ppm (30 and 40 mg/kg/day, M/F) for systemic effects and with no oncogenic potential observed under conditions of the study up to 7,500 ppm (309 and 405 mg/kg/day, M/F) (HDT).

Based on a NOEL of 19.9 mg/kg/day in the 1-year dog feeding study and a hundredfold safety factor, the acceptable daily intake (ADI) has been set at 0.2 mg/kg/day. These tolerances have a theoretical maximum residue contribution of 0.000003 mg/kg/day and would utilize 0.0016 percent of the ADI.

There are no regulatory actions pending against the registration of bensulfuron methyl ester. The metabolism of bensulfuron methyl ester in plants and animals is adequately understood for purposes of the tolerances set forth below. An analytical method, high-pressure liquid chromatography using a photoconductivity detector, is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the *Pesticide Analytical Manual*, Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from:

William Grosse, Chief, Information Service Branch, Program Management and Support Division (TS–767C) Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 223, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

There is no expectation of secondary residues in meat, milk, poultry, and eggs. The Agency concludes that the pesticide is considered useful for the purposes for which the tolerances are sought and that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 11, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. New § 180.445 is added, to read as follows:

§ 180.445 Bensulfuron methyl ester; tolerances for residues.

Tolerances are established for residues of the herbicide bensulfuron methyl ester (methyl-2[[[[[[4,6-dimethoxy-pyrimidin-2-yl)amino]carbonyl]amino] sulfonyl]methyl]benzoate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Rice	0.02
Rice, straw	0.05

[FR Doc. 89–9876 Filed 4–25–89; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 580

[Docket No. 87–09: Notice 4HH]

Odometer Disclosure Requirements, Kentucky

AGENCY: National Highway Traffic Safety Administration.

ACTION: Grant of petition for extension of time (Kentucky).

SUMMARY: This is in response to a petition for an extension of time filed by the Kentucky Transportation Cabinet, Department of Vehicle Regulation, (Kentucky). Kentucky cannot issue title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Kentucky an extension of time, until September 1990, to achieve compliance. Because Kentucky has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Kentucky's petition for an extension of time. Kentucky has until September 1, 1990 to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Kentucky's Petition

The Kentucky Transportation Cabinet, Department of Vehicle Regulation, (Kentucky) submitted a petition for an extension of time. In support of its petition, Kentucky states that in 1987, Kentucky attempted to comply with the requirements of the Truth in Mileage Act by contracting to have its title set forth by a secure printing process. The current Kentucky title is intaglio printed and contains latent images. However, Kentucky states that it has examined the title in light of the Federal disclosure requirements and finds that the title does not meet all the requirements. For example, Kentucky notes that the title does not include a space for the signatures and printed names of the seller and buyer. Kentucky states that it has begun to redesign and reformat its titles and that it is attempting to familiarize County Clerks, who initially review motor vehicle title applications, with the new requirements. Finally, Kentucky asserts that is has a one and one-half year supply of titles and that replacement of the titles "would create a severe financial burden". For these reasons, Kentucky requests that it be granted an extension of time until September 1990. Redesigning the title and training County Clerks would continue while the extension is in effect.

NHTSA's Response to the Petition

NHTSA finds that Kentucky has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

Immediately after the enactment of the Truth in Mileage Act, Kentucky increased the security of its title document by contracting to have the titles printed by the intaglio method and to include latent images. However, Kentucky recognizes that the title does not meet all the Federal disclosure requirements and has begun to redesign its title. The State will be notified by letter of the changes that are necessary. In addition, Kentucky has begun to train its County Clerks to ensure that the disclosure on the title is properly completed.

In light of Kentucky's past and planned actions, and in order to allow Kentucky to expend their current supply of titles, we grant Kentucky's request for an extension of time until September 1, 1990, to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter

Assistant Chief Counsel for General Law.

[FR Doc. 89-9949 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

49 CFR Part 580

[Docket No. 87-09: Notice 4]

Odometer Disclosure Requirements; Louisiana

AGENCY: National Highway Traffic Safety Administration.

ACTION: Grant of petition for extension of time (Louisiana).

SUMMARY: This is in response to a petition for an extension of time filed by the Louisiana Department of Public Safety and Correction, Office of Motor Vehicles, (Louisiana). Louisiana cannot issue title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Louisiana an extension of time, until January 1, 1990, to achieve compliance. Because Louisiana has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Louisiana's petition for an extension of time. Louisiana has until January 1, 1990 to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202) 366-1834.

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons

why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Louisiana's Petition

The Louisiana Department of Public Safety and Corrrection, Office of Motor Vehicles, (Louisiana) submitted a petition for an extension of time. In support of its petition, Louisiana states that in October 1988, Louisiana appointed a task force to review its laws, rules, regulations, policies, and title documents for conformity with the new Federal requirements. Although its efforts have been hampered by the lack of a full-time legal counsel, Louisiana has determined that its laws conform to the basic requirements of the Federal laws and regulations. Some changes to its regulations may be necessary. Louisiana states that it revised its title in November 1987, but that the title does not appear to conform. Although Louisiana finds that the title is set forth by a secure process, Louisiana recognizes that the title does not meet all the Federal requirements concerning odometer disclosure. Louisiana states that it plans to redesign its title document and is requesting monies to purchase new titles. The fiscal year begins July 1, 1989. A four month lead time to order and receive the titles is also necessary. Louisiana explains that it has an eleven month supply of titles at a cost of approximately $32,000 and asserts that a "grave financial crisis" is facing the State. The replacement of the current supply "would create a severe financial burden." For these reasons, Louisiana requests that it be granted an extension of time until January 1, 1990.

NHTSA's Response to the Petition

NHTSA finds that Louisiana has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

After the enactment of the Truth in Mileage Act, Louisiana revised its title document. However, Louisiana recognizes that the title does not meet all the Federal disclosure requirements and plans to redesign and reformat the title. Louisiana will be advised by letter of the changes that are necessary to bring the title into conformity with the Federal requirements. Louisiana has requested funding to purchase the new titles and additional time is necessary to order the titles and have them printed. Louisiana may also amend some of its titling regulations.

In light of Louisiana's past and planned actions, and in order to allow Louisiana to expend their current supply of titles, we grant Louisiana's request for an extension of time until January 1, 1990, to meet the Federal Criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law

[FR Doc. 89-9950 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

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49 CFR Part 580

[Docket Number 87.09; Notice 4JJ]

Odometer Disclosure Requirements; Michigan

AGENCY: National Highway Traffic Safety Administration.

ACTION: Grant of petition for extension of time (Michigan).

SUMMARY: This is in response to a petition for an extension of time filed by the Michigan Department of State (Michigan). Michigan cannot conform its title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Michigan an extension of time, until April 29, 1990, to achieve compliance. Because Michigan has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Michigan's petition for an extension of time. Michigan has until April 29, 1990 to revise its title documents to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Michigan's Petition

The Michigan Department of State (Michigan) submitted a petition for an extension of time. In support of its petition, Michigan states that, on December 27, 1988, Governor James J. Blanchard signed into law legislation enabling Michigan to conform its title documents, recordkeeping procedures, and vehicle sales practices to the Truth in Mileage Act of 1986. Michigan notes that on April 1, 1989, it began to print the odometer reading on every title it issues, and one of the following brands: "ACTUAL MILEAGE", "NOT ACTUAL MILEAGE", or "MILEAGE EXCEEDS MECHANICAL LIMITS". Michigan states that it also began to require transferors to complete the disclosure on the reverse side of the Michigan title. Michigan states that it recognizes that its title does not meet all the Federal requirements and explains that it is currently designing a new title. In particular, Michigan notes that the disclosure statement on the reverse side of the title must be revised, additional security features must be incorporated, and a space must be provided to describe the vehicle model. Michigan will also redesign its reassignment documents or secure legislation to eliminate them. Based on its experience when it redesigned its title in 1987, Michigan states that the process—bids, funding, vendor time, and computer changes—may take as long as eighteen months. During this period, Michigan plans to educate the public of the new requirements. Finally, Michigan has approximately 2,000,000 nonconforming titles on hand. Michigan explains that replacement with conforming titles prior to exhausting this supply would be "cost prohibitive". For these reasons, Michigan requests that it be granted an extension of time until April 29, 1990.

NHTSA's Response to the Petition

NHTSA finds that Michigan has made reasonable efforts to achieve

compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

Since the enactment of the Truth in Mileage Act and the issuance of the implementing Federal regulations, Michigan drafted legislation to amend its odometer statutes to bring them into conformity with the Truth in Mileage Act of 1986. A bill was passed by the Michigan Legislature and was signed by the Governor. This new law permits Michigan to issue titles with the odometer reading and the appropriate brand. This new law also requires transferors to complete the disclosure on the title. In addition, Michigan has been redesigning and reformatting its title document and requested funding in order to purchase new, conforming titles.

In light of Michigan's past and planned actions, and in order to allow Michigan to expend its current supply of titles documents, we grant Michigan's request for an extension of time until April 29, 1990, to revise its title documents to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law.

[FR Doc. 89-9951 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

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49 CFR Part 580

[Docket No. 87-09: Notice 4KK]

Odometer Disclosure Requirements; Oklahoma

AGENCY: National Highway Traffic Safety Administration.

ACTION: Grant of petition for extension of time (Oklahoma).

SUMMARY: This is in response to a petition for an extension of time filed by the Oklahoma Tax Commission, Motor Vehicle Division (Oklahoma). Oklahoma cannot conform its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Oklahoma an extension of time, until January 1, 1990, to achieve compliance. Because Oklahoma has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Oklahoma's petition for an extension of time. Oklahoma has until January 1, 1990 to revise its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Oklahoma's Petition

The Oklahoma Tax Commission, Motor Vehicle Division (Oklahoma), submitted a petition for an extension of time. In support of its petition, Oklahoma states that the Oklahoma Legislature enacted legislation requiring new titles. This legislation was signed by Governor Henry Bellmon on June 10, 1988, and became effective on January 1, 1989. Oklahoma states that these titles are intaglio printed and include latent images, fluorescent inks, micro print, and void background. However, they do not meet all the Federal regulatory requirements concerning the disclosure of odometer information. Therefore, Oklahoma states that it has redesigned its title. Oklahoma explains that, in an effort to comply with the Federal odometer regulations, House Bill 1292 has been introduced before the Oklahoma Legislature. This bill would require a transferor to disclose the mileage on the title. In addition, it would exempt a transferor of a vehicle ten years old and older from disclosing the mileage to his transferee and authorize Oklahoma to print the odometer reading on every title that it issues with a brand that would explain whether or not the odometer reading reflects the actual mileage or the mileage in excess of the mechanical limits of the odometer. Oklahoma points out that the legislation includes an emergency clause. This clause would make the bill effective immediately upon passage and signature of the Governor. Finally, Oklahoma states that it has a one year supply of titles and that replacement with "conforming titles prior to exhausting the current supply will create a severe financial burden". For these reasons, Oklahoma requests that it be granted an extension of time until January 1, 1990.

NHTSA's Response to the Petition

NHTSA finds that Oklahoma has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

Since the enactment of the Truth in Mileage Act and the issuance of the implementing Federal regulations, Oklahoma has made its title more secure. Oklahoma titles are now intaglio printed and contain several other security features. In addition, Oklahoma has redesigned its title to meet the Federal regulatory requirements concerning disclosure. The State will be advised in writing as to whether the draft title meets all requirements. In addition, Oklahoma has drafted legislation to amend its odometer statutes to bring them into conformity with the Truth in Mileage Act of 1986. This legislation has been introduced and is currently pending in the Oklahoma legislature.

In light of Oklahoma's past and planned actions, and in order to allow Oklahoma to expend its current supply of titles documents, we grant Oklahoma's request for an extension of time until January 1, 1990, to revise its laws and its title documents to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law.

[FR Doc. 89-9952 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

49 CFR Part 580

[Docket No. 87-09; Notice 4EE]

Odometer Disclosure Requirements; California

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of Petition for Extension of Time (California).

SUMMARY: This is in response to a petition for an extension of time filed by the California Business, Transportation and Housing Agency, Department of Motor Vehicles, (California). California cannot conform its title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant California an extension of time, until July 1, 1990, to achieve compliance. Because California has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted California's petition for an extension of time. California has until July 1, 1990 to revise its title documents to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION: .

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

California's Petition

The California Business, Transportation and Housing Agency, Department of Motor Vehicles, (California) submitted a petition for an extension of time. In support of its petition, California states that it has been working to achieve compliance with the Federal requirements. California asserts that legislation to implement the requirements of the regulation and to cover implementation costs was drafted and introduced on February 18, 1988, during the 1987/1988 California legislative session. Due to the prospect of a severe budget shortfall, the proposed legislation did not pass the appropriations committee. California explains that conforming legislation, including a request for an appropriation to implement the program, has been rewritten and will be introduced during the 1988/1989 legislative session. Additionally, California states that it has developed a title that will conform, with minor changes, to the regulation and a bid has been awarded to produce the new titles. This title would be printed on security paper and California estimates that it will take between eight and nine months from the time the titles are ordered until the delivery date. To permit California to enact necessary legislation which includes funding for implementation, reprogram data processing systems, produce conforming titles and rewrite its procedures manual, California requests an extension of time until July 1, 1990.

NHTSA's Response to the Petition

NHTSA finds that California has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

In February 1988, California drafted and submitted legislation to implement the requirements of the Federal regulation, including a request for an appropriation to cover the implementation costs. Because the proposed legislation did not pass the appropriations committee, the proposed legislation was rewritten for submission to the 1988/1989 legislative session. Additionally, California has developed a title that will conform, with minor changes, to the regulation and a bid has been awarded to produce the new titles. California has submitted a sample of a proposed title and the State will be notified in a letter of the changes that are necessary to bring the title document into compliance. California will also reprogram its data processing system and rewrite its procedures manual.

In light of California's past and planned actions, we grant California's request for an extension of time until July 1, 1990, to revise its title documents to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law.

[FR Doc. 89-9946 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

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49 CFR Part 580

[Docket Number 87-09; Notice 4DD]

Odometer Disclosure Requirements; Florida

AGENCY: National Highway Traffic Safety Administration, DoT.

ACTION: Grant of Petition for Extension of Time (Florida).

SUMMARY: This is in response to a petition for an extension of time filed by the Florida Department of Highway and Motor Vehicles, Division of Motor Vehicles (Florida). Florida cannot conform its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Florida an extension of time, until April 29, 1990, to achieve compliance. Because Florida has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Florida's petition for an extension of time. Florida has until April 29, 1990 to revise its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires

additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Florida's Petition

The Florida Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles (Florida), submitted a petition for an extension of time. In support of its petition, Florida states that it has been working to redesign the title document with regard to the reassignment and disclosure information on the reverse side. Florida notes that the title does not contain a space for the signature and printed name of the transferee because the current title size is not large enough. To remedy the problem, Florida states that it will propose legislation to eliminate the requirement that the signature of the seller on the title document be notarized. Furthermore, the legislation will seek additional appropriations to cover a larger title document, higher postage resulting from the larger title, and the printing of reassignment documents by a secure process. The Florida Legislature will meet from April to June 1989. Florida explains that it is also planning to redesign its data processing system so that the title includes the odometer reading and a statement as to whether or not it reflects the actual mileage or exceeds the mechanical limits of the odometer. Finally, Florida states that its current supply of titles will be exhausted by April 1990. For these reasons, Florida requests that it be granted an extension of time until April 29, 1990.

NHTSA's Response to the Petition

NHTSA finds that Florida has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Acts and the implementing regulations.

Since the enactment of the Truth in Mileage Act and the issuance of the implementing Federal regulations, Florida has been working to redesign its title and reassignment forms to meet the statutory and regulatory requirements. The draft title which Florida included with its petition does not appear to conform with the Federal requirements. The State will be advised by letter of the necessary changes. Legislative action is being sought to amend the current State laws that require that the seller's signature on the title document be notarized and to seek appropriations necessary to print new documents. In addition, Florida is planning changes to its data processing system to ensure that the title that will be issued by the State includes an odometer reading and a notation or "brand" as to whether or not the reading reflects the actual mileage or exceeds the odometer's mechanical limits.

In light of Florida's past and planned actions, and in order to allow Florida to expend its current supply of title documents, we grant Florida's request for an extension of time until April 29, 1990, to revise its laws and its title documents to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law.

[FR Doc. 89-9945 Filed 4-21-89; 10:55am]

BILLING CODE 9910-59-M

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49 CFR Part 580

[Docket No. 87-09; Notice 4GG]

Odometer Disclosure Requirements; Illinois

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition for extension of time (Illinois).

SUMMARY: This is in response to a petition for an extension of time filed by the State of Illinois, Office of the Secretary of State, Vehicle Services Department, (Illinois). Illinois cannot conform its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Illinois an extension of time, until January 1, 1990, to achieve compliance. Because Illinois has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Illinois' petition for an extension of time. Illinois has until January 1, 1990 to revise its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Illinois' Petition

The State of Illinois, Office of the Secretary of State, Vehicle Services Department, (Illinois), submitted a petition for an extension of time. In support of its petition, Illinois states that immediately after enactment of the Truth in Mileage Act of 1986, Illinois undertook extensive data processing changes in order to develop the capability to print the mileage disclosure required by the Act. Illinois explains that it initiated efforts to revise its titles to meet the Federal disclosure requirements in February 1988 and that revisions were finalized in August 1988. Currently, the power of attorney form is being revised. Illinois states that it needs to bring its statutes into conformity with the Truth in Mileage Act and, in order to do so, has prepared

and submitted legislation for the upcoming legislative session. Illinois expects that the legislation will pass the legislature and be signed by the Governor in the fall of this year. The effective date would be January 1, 1990. Finally, Illinois has an eleven-month supply of nonconforming titles on hand. Replacement of this supply with conforming title documents would cost in excess of $200,000. For these reasons, Illinois requests that it be granted an extension of time until January 1, 1990.

NHTSA's Response to the Petition

NHTSA finds that Illinois has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

Since the enactment of the Truth in Mileage Act and the issuance of the implementing Federal regulations, Illinois drafted legislation to amend its odometer statutes to bring them into conformity with the Truth in Mileage Act of 1986 and this legislation has been submitted for the upcoming legislative session. The Governor is expected to sign the legislation in the fall of 1989. The legislation will become effective on January 1, 1990. Illinois has also been redesigning its title documents and power of attorney forms. Finally, Illinois has begun to make extensive data processing programming changes.

In light of Illinois' past and planned actions, and in order to allow the State to expend its current supply of title documents, we grant Illinois' request for an extension of time until January 1, 1990, to revise its laws and its title documents to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50 (f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law.

[FR Doc. 89-9948 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

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49 CFR Part 580

[Docket No. 87-09; Notice 4FF]

Odometer Disclosure Requirements; Rhode Island

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition for extension of time (Rhode Island).

SUMMARY: This is in response to a petition for an extension of time filed by the Rhode Island Department of Transportation, Division of Motor Vehicles, (Rhode Island). Rhode Island cannot conform its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule implementing the Act by April 29, 1989, the effective date of the statutory and regulatory requirements. Therefore, the petition requests that NHTSA grant Rhode Island an extension of time, until April 29, 1990, to achieve compliance. Because Rhode Island has made an effort to meet the deadline, sets forth reasons why it has failed to do so, and has included a description of the steps to be taken while the extension is in effect, we have granted Rhode Island's petition for an extension of time. Rhode Island has until April 29, 1990 to revise its laws and its title documents to meet the requirements of the Truth in Mileage Act and the final rule.

FOR FURTHER INFORMATION CONTACT: Judith Kaleta, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202-366-1834).

SUPPLEMENTARY INFORMATION:

Background

Section 2(c) of the Truth in Mileage Act of 1986 authorizes the National Highway Traffic Safety Administration (NHTSA) to provide for an extension of time in the event that any State requires additional time beyond April 29, 1989, in revising its laws to meet the requirements of the Motor Vehicle Information and Cost Savings Act and the implementing regulations set forth in 49 CFR Part 580. It provides that, in granting an extension, NHTSA "shall ensure that the State is making reasonable efforts to achieve compliance."

To implement the Truth in Mileage Act and to make some needed changes in the Federal odometer laws, the agency published final rules which provide that a State may file a petition for an extension of time. The petition should discuss the efforts the State has taken to meet the deadline, the reasons why it needs additional time, the length of time desired for extension, and a description of the steps to be taken while the extension is in effect. 53 FR 29464 (1988).

Rhode Island's Petition

The Rhode Island Department of Transportation, Division of Motor Vehicles, (Rhode Island) submitted a petition for an extension of time. In support of its petition, Rhode Island states that it has reviewed its title documents and laws. Although the current title is set forth by a secure printing process and contains a space for a disclosure by a transferor, the disclosure on the title does not meet all the regulatory requirements. In addition, Rhode Island notes that the separate reassignment is not set forth by a secure printing process and the disclosure does not meet the Federal requirements. Rhode Island will draft legislation to amend its odometer tampering law in order to change the disclosures on the title and reassignment form with the Federal odometer disclosure requirements. Rather than waiting for the legislative amendment, Rhode Island states that it is in the process of redesigning its title and reassignment forms. Rhode Island is also considering computer programming changes that would permit the State to issue a title that includes an odometer reading and a notation as to whether or not the reading reflects the actual mileage or the mileage in excess of the designed mechanical limits of the odometer. However, Rhode Island has a fourteen-month supply of nonconforming titles on hand and replacement of these titles with conforming documents would create "a financial burden". For these reasons, Rhode Island requests that it be granted an extension of time until April 29, 1990. Until the current supply is depleted, Rhode Island will require that a conforming odometer disclosure statement accompany the title document.

NHTSA's Response to the Petition

NHTSA finds that Rhode Island has made reasonable efforts to achieve compliance with the Motor Vehicle Information and Cost Savings Act and the implementing regulations.

Since the enactment of the Truth in Mileage Act and the issuance of the implementing Federal regulations, Rhode Island reviewed its title and reassignment documents and its laws. Rhode Island drafted legislation to amend its odometer tampering statutes to bring them into conformity with the Truth in Mileage Act of 1986 and NHTSA's final rule. In addition, Rhode

Island has been redesigning and reformatting its title document and is contemplating computer programming changes.

In light of Rhode Island's past and planned actions, and in order to allow Rhode Island to expend its current supply of titles documents, we grant Rhode Island's request for an extension of time until April 29, 1990, to revise its laws and its title documents to meet the Federal criteria.

Authority: 15 U.S.C. 1988 note; delegation of authority at 49 CFR 1.50(f) and 501.8(e).

Issued on April 19, 1989.

Kathleen C. DeMeter,

Assistant Chief Counsel for General Law.

[FR Doc. 89-9947 Filed 4-21-89; 10:55 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 54, No. 79
Wednesday, April 26, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1944 and 1955

Sale of Inventory Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations regarding the sale of Single Family Housing (SFH) inventory property to public bodies and nonprofit organizations to provide transitional housing for the homeless, provide the authority to enter into pilot projects to dispose of inventory property and make other changes consistent with the authorizing statute. This action is necessary to assist with the plight of the homeless and provide additional authorities to dispose of inventory property. The intended effect is to assist the homeless and make our regulations more responsive to the needs of the Agency and public.

DATE: Comments must be submitted on or before June 26, 1989.

ADDRESSES: Submit written comments in *duplicate* to the Chief, Directives and Forms Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to this publication will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Joyce M. Halasz, Senior Loan Specialist, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5309—South Agriculture Building, Washington, DC 20250, telephone (202) 382-1452.

SUPPLEMENTARY INFORMATION:

Classification

This proposed rulemaking action has been reviewed under USDA procedures established in Departmental Regulations 1512-1, which implements Executive Order 12291 and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or import markets. This action is not expected to substantially affect budget outlay or affect more then one Agency or to be controversial. The net result is to provide better service to rural communities.

Background/Discussion

On September 14, 1988, FmHA published an interim rule (53 FR 35638) implementing certain provisions of the Agricultural Credit Act of 1987 which includes revisions to 7 CFR Part 1955. That rulemaking action primarily affects farmer program (CONACT) portions of Part 1955. This proposed rulemaking action affects housing programs only, except the provisions on pilot projects and sealed bid sales, and has no impact on the intent of changes to 7 CFR Part 1955 being amended as a result of the Agricultural Credit Act of 1987.

On July 25, 1988, FmHA published a proposed rule (53 FR 27863) which contained provisions for the leasing of SFH inventory property to community based organizations to provide transitional housing for the homeless. All comments surrounding this segment of the proposed rule suggested revisions to Subpart C of Part 1955 regarding the sale of SFH inventory property to public bodies and nonprofit organizations to provide transitional housing to the homeless. Based upon the comments received, FmHA is proposing changes to Subpart C to provide for the sale of SFH inventory property to provide transitional housing for the homeless. The following is a brief summary of the pertinent features:

1. Upon request, FmHA will provide a list of inventory property to public bodies and nonprofit organizations desiring to purschase property to provide transitional housing for the homeless. Upon notice of intent to purchase an SFH inventory property, FmHA will withdraw the property from the market for up to 15 days to permit sufficient time for a public body or nonprofit organization to execute a sales contract.

2. A 10 percent discount off the most recent offered price will be offered on nonprogram (NP) properties. A similar discount was considered on program properties, however, this would permit entities to purchase the property at a lower price than offered to program applicants. This would place FmHA program applicants at a disadvantage to purchase program properties thus conflicting with the intent of the Section 502 housing program.

3. If necessary, FmHA will repair any property to decent, safe, and sanitary (DSS) standards; however, the sale price will be adjusted to reflect any resulting change in value. The purchaser will be responsbile for any cosmetic repairs and meeting thermal performance standards.

4. No earnest money deposit will be required. A 2 percent downpayment will be paid at closing and financing will be available at current NP interest rates for 10 years, payments being amortized over 20 years with a balloon payment due after 10 years.

Although comments on the sale of properties may have been submitted previously, FmHA encourages additional comments on this issue from housing advocacy groups, FmHA personnel and the public.

A change is also proposed to § 1955.114(a)(1)(iv) which deals with the sale of SFH inventory property. On July 25, 1988, FmHA promulgated changes (53 FR 27819) to this section which provided for a five day waiting period to consider offers for the purchase of SFH property listed for sale under an exclusive broker contract. This five day waiting period gave all real estate brokers equal opportunity to submit offers. After publication of the regulation, several comments were received suggesting the five day waiting period be expanded to all sales of SFH property, not just those under an exclusive broker contract. This would provide potential purchasers with the opportunity to make a prudent decision about submitting an offer and

real estate brokers with sufficient time to present contracts.

The authorities contained in §§ 1955.118(f), 1955.130(f) and 1955.147 regarding 20-year amortization on NP financing, special effort sales bonuses and sealed bid sales to promote the sale of inventory property, are clarified and expanded to give the State Director authority to utilize these marketing efforts on a broader basis to assist with the timely sale of inventory and help reduce the cost of retaining property.

FmHA is also publishing a new section regarding the use of pilot projects. FmHA has successfully utilized pilot projects throughout various aspects of loan making, loan servicing and property management. To assist with the responsiveness and feasibility of pilot projects, FmHA intends to publish a notice in the **Federal Register** outlining the nature, scope and duration of the pilot project.

In addition, § 1944.17(d) of Subpart A of Part 1944 of this chapter, which authorizes a maximum loan amount in excess of the market value by one percent of the sale price, for a subsequent loan for closing costs with a credit sale, is expanded to permit the same for transfers, enhancing the availability of program properties through transfers directly from existing borrowers to low and very-low income applicants.

Programs Affected

These programs/activities are listed in the Catalog of Federal Domestic Assistance under Nos:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.410 Low Income Housing Loans
10.411 Rural Housing Site Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.417 Very Low Income Housing Repair Loan and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.421 Indian Tribes and Tribal Corporation Loans
10.422 Business and Industrial Loans
10.423 Community Facility Loans
10.427 Rural Rental Assistance Payments

Intergovernmental Consultation

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR Part 2015, Subpart V, the following programs are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials: 10.404—Emergency Loans; 10.406—Farm Operating Loans; 10.407—Farm Ownership Loans; 10.410—Low Income Housing Loans; 10.416—Soil and Water Loans; 10.417—Very Low Income Housing Repair Loan and Grants. The following programs are subject to intergovernmental consultation with State and local officials: 10.405—Farm Labor Housing Loans and Grants; 10.411—Rural Housing Site Loans; 10.414—Resource Conservation and Development Loans; 10.415—Rural Rental Housing Loans; 10.418—Water and Waste Disposal Systems for Rural Communities; 10.419—Watershed Protection and Flood Prevention Loans; 10.421—Indian Tribes and Tribal Corporation Loans; 10.422—Business and Industrial Loans; 10.423—Community Facility Loans; 10.427—Rural Rental Assistance Payments.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1949, Pub. L. 91-90, an Environmental Impact Statement is not required.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a large number of small entities.

List of Subjects

7 CFR Part 1944

Home improvement, Loan programs—Housing and community development, Low and moderate income housing—Rental, Mobile homes, Mortgages, Rural Housing, Subsidies.

7 CFR Part 1955

Government acquired property, Sale of government acquired property, Surplus government property.

Therefore, as proposed, Chapter XVIII, Title 7, Code of Federal Regulations, is amended as follows:

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations.

2. In § 1944.17, paragraph (d) is revised to read as follows:

§ 1944.17 Maximum loan amounts.

* * * * *

(d) When a subsequent loan for closing costs only is made simultaneously with a credit sale (as provided in § 1955.117(f) of Subpart C of Part 1955 of this chapter) or a transfer, the total indebtedness may exceed the market value of the security property by no more than one percent of the sale price of the property.

* * * * *

PART 1955—PROPERTY MANAGEMENT

3. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart C—Disposal of Inventory Property

4. The title and text of § 1955.111 is revised to read as follows:

§ 1955.111 Sale or real estate for RH purposes (housing).

Sections 1955.112 through 1955.120 of this subpart pertain to the sale of acquired property pursuant to the Housing Act of 1949, as amended (RH property). Single family units (generally which secured loans made under section 502 or 504 of the Housing Act of 1949, as amended) are referred to as single family housing (SFH) property. All other property is referred to as multiple family housing (MFH) property. Notwithstanding the provisions of §§ 1955.112 through 1955.118, 1955.119 is the governing section which deals with the sale of SFH units to public bodies or nonprofit organizations with the intent to provide transitional housing for the homeless.

5. In § 1955.114, paragraph (a)(1)(iv) is revised to read as follows:

§ 1955.114 Sales steps for program property (housing).

(a) * * *

(1) * * *

(iv) Offers may be received at any time after the effective date the property

is available for sale, however will not considered or accepted unitl five business days after the effective date the property is available for sale or any reduction in price. Offers received during the five business day period will be considered to be received at the same time on the 6th day along with offers received on the same (6th) day.

* * * * *

6. In § 1955.118, an additional sentence is added to the end of paragraph (f)(1)(ii) to read as follows:

§1955.118 Processing cash sales or credit sales on NP terms (housing).

* * * * *

(f) * * *

(1) * * *

(ii) * * * If it appears prudent, to facilitate the sale of NP properties the State Director may authorize 20-year amortization on a group, county, district or state-wide basis.

* * * * *

7. § 1955.119 is redesignated as § 1955.120, and a new § 1955.119 is added to read as follows:

§ 1955.119 Sale of SFH inventory property to public bodies or nonprofit organizations.

This section contains provisions for the sale of SFH inventory property to public bodies or nonprofit organizations which intend to utilize the property for transitional housing for the homeless. Notwithstanding the provisions of § 1955.111 through § 1955.118, this section applies whenever FmHA is approached by such an entity to purchase SFH inventory property for transitional housing. A public body and nonprofit organization is a nonprogram (NP) applicant.

(a) *Method of sale.* The method of sale will follow § 1955.112. Upon request from a public body or nonprofit organization, FmHA will provide a list of inventory property, regardless of whether the property is listed for sale with real estate brokers. When the list is provided, it will clearly indicate whether the dwelling is a "program" or "nonprogram (NP)" property. If FmHA is approached by a public body or nonprofit organization desiring to purchase a specific inventory property not under a sale contract, FmHA will withdraw the property from the market, regardless of suitability classification, upon written notice from such an entity of its intent to purchase the property. The property may be held off the market for a period not to exceed 15 days to provide the public body or nonprofit organization sufficient time to execute Form FmHA 1955–45, "Standard Sales Contract—Sale of Real Property By The United States."

(b) *Price.* The sale price of the property will follow § 1955.113. However, should a public body or nonprofit organization desire to purchase a nonprogram (NP) property, a discount of 10 percent off the most recent sale price will be granted. No such discount applies to program properties.

(c) *Decent, safe and sanitary (DSS) standards.* If FmHA is approached by a public body or nonprofit organization to purchase a NP property which does not meet DSS standards. FmHA will make repairs necessary to remove any health or safety hazards, unless FmHA determines the repairs are so extensive that it is not prudent to make such repairs. The sale price will be adjusted to reflect any resulting change in value. If the cost of repairs to remove health and/or safety hazards exceeds $7,500, prior approval from the Assistant Adminstrator, Housing, is required before accepting the sales contract. Repairs necessary to remove health and/or safety hazards may include, but are not limited to providing adequate, safe and operable heating, plumbing, electrical, water, and sewage disposal systems. Cosmetic type repairs such as painting, floor covering, landscaping, etc., and meeting thermal performance standards will be the responsibility of the public body or nonprofit organization. All repairs/renovations to make the property habitable and meet DSS standards will be discussed, outlined in writing, and made part of the sale contract before execution of Form FmHA 1955–45 by the entity. The public body or nonprofit organization must demonstrate they have the resources available to perform repairs/renovations which are their responsibility. All repairs/renovations will be performed after loan closing, and those which are FmHA's responsibility will be charged directly to the Rural Housing Insurance Fund (RHIF) as a a program related expense. Applicable DSS restrictions will be placed in the deed in accordance with § 1955.116.

(d) *Approval and closing.* Processing cash sales or credit sales on NP terms will be handled in accordance with § 1955.188, except as follows:

(1) *Earnest money deposit.* No earnest money deposit is required from a public body or nonprofit organization.

(2) *Downpayment.* A downpayment of 2 percent of the purchase price will be paid at closing.

(3) *Term of note.* No more than 10 years with payments amortized using up to a 20-year factor with payment in full (balloon payment) due not later than 10 years from the date of closing.

8. In § 1955.130, a sentence is added to the end of paragraph (f)(2) to read as follows:

§ 1955.130 Real estate broker.

* * * * *

(f) * * *

(2) * * * If it appears prudent, to facilitate the sale of NP properties the State Director may authorize use of special effort sales bonuses on a group, county, district or state-wide basis.

* * * * *

9. § 1955.132 is added under the undesignated heading "General" to read as follows:

§ 1955.132 Pilot projects.

From time to time FmHA conducts pilot projects to test concepts related to the management and disposal of inventory property which may deviate from the provisions of this subpart, but will not be inconsistent with the provisions of the authorizing statute, or other applicable Acts affecting the management and disposal of inventory property. Prior to initiation of a pilot project, FmHA will publish in the **Federal Register** a Notice outlining the nature, scope, and duration of the pilot. The pilot projects may be handled by FmHA employees and/or under contract with persons, firms or other entities in the private sector.

10. In § 1955.147, the following sentence is added after the sixth sentence in the introductory text to read as follows:

§ 1955.147 Sealed bid sales.

* * *When a group of properties are to be sold at one time, advertising may indicate that FmHA will consider bids on individual properties or a group of properties and FmHA will accept the bid or bids which are in the best financial interest of the Government.* * *

* * * * *

Dated: April 12, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89–9937 Filed 4–25–89; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150-AD17

Informal Hearing Procedures for Nuclear Reactor Operator Licensing Adjudications

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing an amendment of its regulations to provide rules of procedure for the conduct of informal adjudicatory hearings in nuclear reactor operator licensing proceedings. The Atomic Energy Act of 1954 requires that the NRC, in any proceeding for the granting, suspending, revoking, or amending of an NRC license, including licensing as an operator or senior operator at a nuclear reactor, afford an interested person, upon request, a "hearing." This proposed rule would include reactor operator licensing proceedings under the informal hearing procedures already established for materials licensing procedings.

DATE: Comment period expires June 26, 1989.

Comments received after this date will be considered if it is practicable to do so, but assurance of consideration can be given only for comments filed on or before that date.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Hand deliver comments to Docketing and Service Branch, One White Flint North, 11555 Rockville Pike, Rockville, MD, between 8:15 a.m. and 5:00 p.m.

Examined comments received at: The NRC Public Document Room, 2120 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karla Smith or Paul Bollwerk, Attorneys, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-1600.

SUPPLEMENTARY INFORMATION: Section 189a of the Atomic Energy Act of 1954 (AEA) (42 U.S.C. 2239(a)) provides that in any proceeding for the granting, suspending, revoking, or amending of any license, the NRC shall grant a hearing upon the request of any person whose interest may be affected by the proceeding. Among the licenses issued by the NRC are those for operators and senior operators of nuclear reactors (AEA section 107, 42 U.S.C. 2137; 10 CFR Part 55).

The Commission's rules of practice generally provide for two types of hearing procedures for licensing proceedings—formal and informal. Under 10 CFR Part 2, Subpart G, those requesting a hearing with respect to a reactor licensing action or any agency enforcement activity affecting a license generally are provided a formal, trial-type hearing conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 554–557 and 10 CFR Part 2, Subpart G. On the other hand, a request for a hearing regarding an NRC materials licensing action generally entitles an interested person to an informal, legislative-type hearing in accordance with 10 CFR Part 2, Subpart L.

NRC regulations presently do not specify the type of hearing to be afforded in the event that an interested person, including an applicant for a reactor operator license or a licensee, requests a hearing with regard to agency action concerning a reactor operator license. Previously, the Commission has declared in individual orders responding to operator hearing requests that an applicant for an operator license whose application is denied is entitled only to an informal hearing in accordance with procedures like those now embodied in Subpart L. E.g., David W. Held (Senior Operator License for Beaver Valley Nuclear Power Station, Unit 1), Docket No. 55–60402 (Comm. Aug. 7, 1987). In the wake of NRC's recent adoption of Subpart L (54 FR 8696), the Commission has decided that the Commission's rules should reflect the practice followed in the individual orders. Accordingly, the Commission proposes to amend Subpart L to include within its scope proceedings for the grant, renewal, or licensee-initiated amendment of a reactor operator's license. The proposed rule also specifies that any reactor operator licensing proceeding that was initiated by a notice of hearing issued under § 2.104, a notice of proposed action under § 2.105, or a request for hearing under Subpart B of 10 CFR Part 2 on an order to show cause, an order for modification of license, or a civil penalty is to be conducted in accordance with the procedures for formal hearings set forth in Subpart G of 10 CFR Part 2.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Review

This proposed rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

The Atomic Energy Act affords interested persons the right to a hearing regarding a reactor operator licensing proceeding. As the Commission previously indicated in its decision in Kerr-McGee Corp. (West Chicago Rare Earths Facility), CLI–82–2, 15 NRC 232, 241 (1982), aff'd sub nom., City of West Chicago v. NRC, 701 F.2d 632 (7th Cir. 1983), the use of informal procedures generally involves less cost and delay for the parties and the Commission than the use of formal, trial-type procedures, the principal other procedural alternative. Also, procedures must be in place to allow for the orderly conduct of those adjudications. Codifying the informal hearing procedures for operator licensing proceedings is preferable to the present practice of establishing the procedures to be followed on a case-by-case basis. By codifying the procedures, the Commission will avoid the expenditure of time and resources necessary to prepare the individual orders that previously have been used to designate those procedures. This proposed rule is the preferred alternative and the cost entailed in its promulgation and application is necessary and appropriate. The foregoing discussion constitutes the regulatory anlaysis for this proposed rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NRC hereby certifies that this rule, if promulgated, will not have a significant economic impact upon a substantial number of small entities. Many operator license applicants or operator licensees fall within the definition of small businesses found in section 34 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121, or the NRC's size standards published December 9, 1985 (50 FR 50241). While the proposed rule would reduce the litigation cost burden upon applicants or licensees because of the informal nature of the hearing, the requirement that they submit filings and documentary

information detailing contested legal and factual issues is still required. Some cost reduction in comparison to the cost of participating in a formal adjudicatory hearing can be anticipated, although it is problematic whether that reduction as a whole will be significant. Certainly, the use of informal procedures will not increase significantly the burden upon applicants or licensees to engage in hearings.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and, therefore, that a backfit analysis is not required for this proposed rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Part 2:

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.).

2. The heading of Subpart L of Part 2 is revised to read as follows:

Subpart L—Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings

3. Section 2.1201 is revised to read as follows:

§ 2.1201 Scope of subpart.

(a) The general rules of this subpart govern procedure in any adjudication initiated by a request for a hearing in a proceeding for—

(1) The grant, transfer, renewal, or licensee-initiated amendment of a materials license subject to Part 30, 32 through 35, 39, 40, or 70 of this chapter; or

(2) The grant, renewal, or licensee-initiated amendment of an operator or senior operator license subject to Part 55.

(b) Any adjudication regarding a materials license subjectd to Parts 30, 32 through 35, 39, 40, or 70, or an operator or senior operator license subject to Part 55 that is initiated by a notice of hearing issued under § 2.104, a notice of proposed action under § 2.105, or a request for hearing under Subpart B of 10 CFR Part 2 on an order to show cause, an order for modification of license, or a civil penalty, is to be conducted in accordance with the procedures set forth in Subpart G to 10 CFR Part 2.

Dated at Rockville, MD, this 20th day of April, 1989.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 89–10004 Filed 4–25–89; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

[Docket No. PRM–50–48]

University of Missouri; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–50–48) filed by Mr. William F. Reilly, Manager, Reactor Upgrade Project, and endorsed by Dr. Don M. Alger, Associate Director, Research Reactor Facility of University of Missouri. The petition is being denied because: (1) The existing regulations are adequate to ensure protection to public health and safety in licensing test reactors and testing facilities; (2) the proposed amendments would not sufficiently protect the public health and safety; and (3) the need for the clarifications proposed is not otherwise demonstrated by the documentation provided by the petitioner. The petition requested that NRC amend its regulation to add a new definition for the term "research reactor" and redefine the terms "testing facility" and "testing reactor" based on the function of the facility and its power level. The petitioner stated that the current definition of "testing facility" results in excessive and unnecessary regulatory requirements being applied to research reactors which are contrary to Congressional intent in the Atomic Energy Act of 1954.

ADDRESS: Copies of the petition for rulemaking, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room at 2120 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark L. Au, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492–3749.

SUPPLEMENTARY INFORMATION:

The Petition

In a letter dated November 19, 1987, Dr. Don M. Alger, Associate Director, Resarch Reactor Facility, University of Missouri, filed with NRC a petition for rulemaking (PRM–50–48). The petitioner

requested that NRC amend its regulations to add a new definition for the term "research reactor" and redefine the term "testing facility" based on the function of the facility and its power level. The proposed petition was published in the Federal Register on March 1, 1988 (53 FR 6159). The 60-day public comment period ended May 2, 1988.

Basis for Request

The petitioner bases the petition on the fact that the current definition of "testing facility" in 10 CFR Part 50 results in excessive and unnecessary routine regulatory requirements being applied to research reactors which is contrary to Congressional intent in the Atomic Energy Act of 1954. The petitioner also proposed to add a definition in 10 CFR Part 50 for "research reactor" to be consistent with the definition used by the American Nuclear Society (ANS) and American National Standards Institute (ANSI). The petitioner currently operates a research reactor at a maximum power level of 10 MW(t), and plans are being developed to upgrade the power to approximately 30 MW(t). This power upgrade would result in the change of the "research reactor" designation to that of a "testing facility." The petitioner contends that such a designation would place unnecessary and burdensome regulatory requirements on research reactors similar to those required of power reactors.

The petitioner believes the petition establishes a balanced regulatory program for the University of Missouri and future research reactors to ensure the public health and safety without inhibiting the conduct of vital research in the areas of medical research, radioisotope production, material research, neutron activation analysis, radiation effects, and others. The petitioner further believes that test facilities were intended by Congress to be encompassed in section 104c of the Atomic Energy Act of 1954 (construction application of testing facility). Although this section of the Act does not mention nor define "testing facility," the Commission could issue licenses to persons applying for utilization and production facilities useful in the conduct of research and development activities.

Public Comments on the Petition

A notice of receipt of petition for rulemaking was published in the Federal Register on March 1, 1988 (53 FR 6159). Interested persons were invited to submit written comments concerning the petition during the 60-day public comment period which ended May 2, 1988.

Fifteen letters were received commenting on the petition. These letters came from universities, government agencies, industry, public interest groups, and an individual. Eleven comments favored the petition and four opposed the petition. The significant comments supporting the petition are summarized below:

1. Clarifications are necessary to specify which regulations apply to research reactors. These clarifications would eliminate the confusion associated with commingled power reactor regulations.

2. A clear distinction among the terms "research reactor," "testing facility" and "testing reactor" should be established.

3. The arbitrary designation for testing facility based on power level threshold that has little, if any, technical basis, should be eliminated; thereby allowing certain vital research to be performed in a more expeditious manner.

The significant comments opposing the petition are summarized below:

1. It is not prudent to ignore power level in the classification of research reactors used for research purposes from that of power reactors and testing facilities.

2. Protection of public health and safety should be foremost consideration when amending the regulations in 10 CFR Chapter I.

3. Recourse to seek exemption from regulation should be on a case-by-case basis.

4. The proposed definition implies that testing would be done only at "research reactors" and prevents use of a "testing facility" for other types of work for which it may be suited.

5. Research can be conducted adequately at present or lower power levels.

Analysis of Public Comments

Two commenters made the comment that the proposed rule would clarify in the regulations where research reactor regulations apply and would eliminate confusion with power reactor regulations.

In response, the NRC staff recognizes that the regulatory requirements for test and research reactors appear throughout Title 10 of the Code of Federal Regulations. However, upon review of any particular part or section of the regulations, it is clear what reactor types are being addressed. This petition would change the definitions for "testing facility", "testing reactor", and "research reactor." Where these definitions appear or do not appear in the regulations would not change. Therefore, the clarity of the regulations would not be affected by the petition for rulemaking.

One commenter stated that the petition would establish clear distinction between terms "research reactor" and "testing facility."

In response, these terms are clearly and specifically defined in the existing Title 10 of the Code of Federal Regulations. To date, there have not been any instances where uncertainty about a facility has occurred. The petition, if implemented, would replace the existing definitions with no significant improvement in clarity.

Seven commenters stated that adopting this proposal would eliminate the arbitrary designation for testing facility based on a 10 MW thermal power threshold that holds little, if any, technical basis.

In response, when the current definition of testing facility was proposed in 1959, the Atomic Energy Commission (AEC) adopted a definition based on the type of facility that would involve a significant hazards consideration. The Advisory Committee on Reactor Safeguards (ACRS) reviewed and agreed on this definition. These definitions are still valid and conservative when considered in light of current technology.

One commenter indicated that the petition would allow vital research to be performed in a more expeditious manner.

In response, it is true that a higher power research reactor has a higher neutron flux and the ability to conduct research that would be difficult or very time consuming at a lower power level. However, a licensee can apply to operate a research reactor with a power level greater than 10 MW(t) if it follows the current licensing process for a testing facility. Because the existing regulations for testing facilities and testing reactors are of greater complexity than those for research reactors, it may require a longer time to complete a testing reactor licensing action. Nevertheless, ensuring the health and safety of the public takes precedence over arbitrarily relaxing licensing requirements for operation.

Two commenters stated that it is not prudent to ignore power level in the classification of reactors used for research purposes.

In response, the regulatory process used in any licensing action must be of sufficient detail to ensure protection of the health and safety of the public. The proposed changes in the definitions would change the existing regulatory process for reactors with power levels

above 10 MW(t). The NRC staff considers the power level of the facility and postulated accidents to be important safety considerations when evaluating licensing actions on research reactors and testing facilities. The present regulatory options available to the staff for research reactors (such as referring an application to the ACRS) will continue to exist and will be used by the staff if warranted.

Reasons for Denial

The decision to deny the petition was based on: (1) NRC considering the contents of the petition, (2) the public comments received, and (3) the current regulatory structure affecting the licensing of research reactors, testing reactors, and testing facilities. The discussion that follows addresses the significant points in the petitioner's proposal and NRC's response to these points.

The petitioner proposed that the Commission adopt a regulation that would add a new definition for the term "research reactor" and redefine the terms "testing facility" and "testing reactor" based on the function of the facility and its power level.

Proposed New Definition

"Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter for research, developmental, educational, training, or experimental purposes, and which may have provision for production of non-fissile radioisotopes.

Proposed New Definition

"Testing facility" means a nuclear reactor of a type described in § 50.21(c) to be used for testing reactor components and designs at reduced or uncertain safety margins, and for which an application has been filed for a license authorizing operation at:

(a) A thermal power level in excess of 10 megawatts; or

(b) A thermal power level in excess of 1 megawatt; if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

The definition of research reactor appears in the existing regulations in § 107.3(h). If a non-power reactor is not a test reactor or test facility, it is a research reactor; therefore, a need for clarification does not exist. Because of power levels and postulated accident considerations, the existing regulatory process for testing facilities and testing reactors is intended to be more comprehensive than that for research reactors.

The petitioner suggests adding to the definition for testing reactor and testing facility the function of the reactor by including the testing of reactor components and designs at reduced or uncertain safety margins. The petitioner does not provide justifications as to what levels of reduction in safety margin is acceptable. The petitioner's proposal does not demonstrate why the existing regulatory process is not sufficient to protect the health and safety of the public and the environment.

In the petitioner's proposed definition, it is not clear where a research reactor (the type of reactor described in 10 CFR 170.3(h) or 10 CFR 50.21(c)), that operates at a thermal power level of 10 megawatts or less, or that does not operate at a thermal power level in excess of 1 megawatt with a circulating loop, liquid fuel loading, or an experimental facility in the core in excess of 16 square inches in cross-section that would be used for testing reactor components and designs at reduced or uncertain safety margins, would be considered under the proposed regulations. The petitioner-proposed definitions of testing facility and testing reactor involve both reactor function and power level. This is an area of uncertainty that has not been addressed by the petitioner in any of the documentation submitted.

The changes in the definition that the petitioner has proposed would result in facilities being regulated as research reactors at thermal power levels above 10 megawatts if the facility did not engage in testing reactor components and designs at reduced or uncertain safety margins. Facilities with thermal power levels above 10 megawatts are currently regulated as testing facilities. Thus, this represents a decrease in the scope of the regulatory requirements. The petitioner has not stated if a reactor thermal power level exists where the scope of the regulatory process should be increased. The petitioner has not provided any justification to show that reactor power level is independent of the potential hazard to the health and safety of the public and environment. Also, the petitioner does not justify the decrease in the scope of the regulatory process except to state that the current definitions are arbitrary. In addition to reviewing the petition and comments from the public, the petition was also examined against the existing regulatory requirements affecting test reactors. These regulations are briefly listed as follows:

1. *10 CFR 50.2* defines "testing facility" as a nuclear reactor which is of a type described in 10 CFR 50.21(c) and for which an application has been filed for a license authorizing operation at:

(a) A thermal power level in excess of 10 megawatts; or

(b) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

2. *10 CFR 50.21(c)* describes a requirement for a production or utilization facility for conducting research and development activities of the types specified in section 31 of the Act, and which is not a facility of the type specified in paragraph (b) of this section or in 10 CFR 50.22.

3. *10 CFR 50.30(f)* requires an environmental report to be submitted with application for testing facility construction permit or operating license.

4. *10 CFR 50.58* requires ACRS review and report for testing facility construction permit or operating license.

5. *10 CFR 50.92(a)* requires a construction permit for a material alteration to a licensed facility and public notice according to 10 CFR 2.105 (30 days' notice and opportunity for hearing where an amendment to a license involves a significant hazard consideration).

6. *10 CFR 140.3(k)* defines "testing reactor" as a nuclear reactor of a type described in 10 CFR 50.21(c) of this chapter and for which an application has been filed for a license authorizing operation at:

(a) A thermal power level in excess of 10 megawatts; or

(b) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

7. *10 CFR 170.3(h)* defines "research reactor" as a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of 10 CFR 50.21(c) of this chapter for operation at a thermal power level of 10 megawatts or less, which is not a testing facility as defined by paragraph (m) of this section.

8. *10 CFR 170.3(m)* defines "testing facility" as a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of 10 CFR 50.21(c) of this chapter for operation at:

(a) A thermal power level in excess of 10 megawatts; or

(b) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

All the distinctions between research and test reactors cited in the above regulations have been promulgated by NRC to ensure the protection of public health and safety and the environment. These distinctions reflect the importance of reactor power level, postulated accidents, and facility function in NRC licensing decisions. The NRC, in light of this petition, has reexamined its regulations and determined that no additional action is required at this time.

Accordingly, the Commission determines that rulemaking is not necessary at this time.

Dated at Rockville, Maryland, this 5th day of April 1989.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 89-9997 Filed 4-25-89; 8:45 am]

BILLING CODE 7590-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3559-4]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve a revision to the Wisconsin State Implementation Plan (SIP) for ozone. The revision allows the Continental Can Company to use internal offsets in conjunction with daily weighted emission limits at its Milwaukee and Racine can manufacturing plants. This revision to the Wisconsin SIP was submitted by the Wisconsin Department of Natural Resources (WDNR) on August 20, 1985. USEPA is approving the revision because it meets USEPA's requirements for can coating operations (December 8, 1980; 45 FR 80824), and does not interfere with the attainment of the National Ambient Air Quality Standards (NAAQS) for ozone in southeastern Wisconsin.

DATE: Comments on this revision are due by May 26, 1989.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

Wisconsin Department of Natural Resources, Bureau of Air Management (AIR/3), 101 South Webster, Madison, Wisconsin 53707.

Written comments should be sent to:

Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On August 20, 1985, the WDNR submitted a revision to its ozone SIP for Continental Can. This revision is in the form of a variance for six can coating lines at the Continental Can's Milwaukee plant and a variance for two can coating lines at the Continental Can Racine plant. Both plants are located in Wisconsin.

On September 9, 1986 (51 FR 32075), USEPA announced the availability of this revision to the Wisconsin SIP and took final action to approve it (51 FR 32075). In the notice, USEPA advised the public that it was deferring the effective date of its approval for 60 days, until November 10, 1986, to provide an opportunity for submittal of comments on this revision. USEPA announced that if within 30 days it received notice that someone wished to submit adverse or critical comments, we would withdraw the approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period. USEPA also published a general notice announcing this special "direct final" procedure on September 4, 1981 (46 FR 44476). USEPA has received a December 3, 1986, letter from a commentor which lists some of its concerns regarding this proposed SIP revision. This also constitutes the commentor's notice of its intention to submit critical comments regarding the approval. Therefore, in accordance with the procedure described above, USEPA is today taking final action elsewhere in today's **Federal Register** to withdraw its September 9, 1986, approval of this revision to Wisconsin Ozone SIP and, in this notice, is proposing to approve this revision.

Background

The Continental Can Company has can manufacturing plants in two cities in Wisconsin, Milwaukee and Racine. Both facilities are subject to the requirements for can coating operations identified at NR 154.13(4)(c) of the Wisconsin Administrative Code. On November 14, 1984, Continental Can requested permission from the State to use internal offsets as a method of compliance for each of the two facilities. One internal offset would be applicable to six can coating lines at the Milwaukee plant, and another would be applicable two can coating lines at the Racine plant. The Wisconsin Department of Natural Resources (WDNR) approved the use of internal offsets for both plants, subject to certain conditions, and submitted the offsets to USEPA as a State Implementation Plan (SIP) revision on August 20, 1985. A discussion of the SIP revision is presented below.

Internal Offset

Continental Can Company has proposed the use of internal offsets at both its Milwaukee and Racine facilities, meaning that the VOC emissions from each facility would be limited to a daily weighted average emission limit from all can coating lines at that facility, as determined by the formula identified at NR 154.13(13)(b) of the Wisconsin Administrative Code. The internal offset allows Continental Can credit for those coatings and coating lines that reduce, to offset emissions from other coatings and coating lines that exceed the SIP-allowable limit. The emissions allowed by the internal offsets are equivalent to those that would occur if each coating used were at the limits specified in the SIP. The daily weighted average changes daily as production levels change. The combined emissions from all the coating lines at each facility have to meet that facility's computed daily weighted average for that day. The daily weighted average is computed using the allowable emission rate for each coating or printing line, as defined in section NR 154.13(4)(c) of the Wisconsin Administrative Code. The proposed compliance plan also specifies maximum hourly VOC emission limits

for each coating line, as required by NR 154.13(13)(b)2.a. of the Wisconsin Administrative Code. These limits cannot be exceeded regardless of changes in production.

In addition, Continental Can is required to keep records of coating and solvent characteristics, as well as daily consumption of solvent and coatings, for both plants. The daily weighted average is federally enforceable, base upon this recordkeeping requirement which specifies that these records be available for inspection, as well as the emission limits contained in NR 154.13(4)(c). Continental Can has developed a computer program to aid the calculation of actual and allowable emissions and the scheduling of production, in order to comply with the emission limits contained in NR 154.13(4)(c). This computer program was developed based on the December 8, 1980 (45 FR 80824), **Federal Register**, which contains USEPA's policy regarding compliance with VOC emission limitations for can coaters.

The proposed compliance plan is subject to the following conditions:

(1) Continental Can will perform tests to determine the efficiencies of the capture system and emission reduction requipment of the sheet coating line at the Milwaukee plant.

(2) Continental Can will maintain records of coating and solvent characteristics, as well as daily consumption of coatings and solvents, for both plants. The records will contain sufficient detail for the WDNR to determine compliance with the daily allowable emissions rate. These records will be maintained at each facility and will be available for inspection.

The internal offsets became effective in the State of Wisconsin on September 11, 1985, when a civil enforcement action filed by USEPA against Continental Can was resolved. A consent decree was lodged on that date.

Conclusion

USEPA has reviewed a compliance plan for the Continental Can Company which consists of internal offsets for two can manufacturing plants located in Milwaukee and Racine, respectively. The compliance plan incorporates the use of a daily weighted average at each plant, a computer program to aid in emission calculation and production scheduling, as well as specified testing and recordkeeping conditions. However, the variances do not explicity identify test methods to be used to determine capture and control efficiencies of control equipment and VOC content of coating. USEPA has determined that the proposed compliance plan meets USEPA's requirements for air pollution control from can coating operations. USEPA has also determined that the use of internal offsets at the two facilities will not cause an increase in VOC emissions and, consequently, will not interfere with attainment of the ozone NAAQS in southeastern Wisconsin. Therefore, USEPA is proposing approval of the internal offsets contingent upon WNDR specifying the test methods to be used in determining compliance.

It should be noted that Milwaukee and Racine are both included (as part of the Milwaukee Metropolitan Statistical Area) in Appendix A of the November 24, 1987, Proposed Post-1987 Ozone Policy (52 FR 45044). Table A–1 in Appendix A lists "Potential 1988 SIP Areas-Ozone." Milwaukee is listed as an area which will exceed the Ozone standard in the period from 1985–1987. Finally, on May 26, 1988, USEPA notified the governor of Wisconsin that Wisconsin Ozone SIP is substantial inadequate to assure attainment of the Ozone NAAQS.

Interested persons are invited to submit comments on this proposed approval. USEPA will consider all comments received within 30 days of the publication of this notice.

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401–7642.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 89–9992 Filed 4–25–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 8E3619, 8E3645/P481; FRL–3561–4]

Pesticide Tolerances for Iprodione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances established for the combined residues of the fungicide iprodione, its isomer, and its metabolite in or on the raw agricultural commodities cherries (sweet), nectarines, peaches, and plums be amended to allow residues of the pesticide in or on these commodities resulting from postharvest application. The proposed amendments to the tolerances for iprodione were requested in petitions submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document control number [PP 8E3619, 8E3645/P481], must be received on or before May 26, 1989.

ADDRESS: By mail, submit written comments to:

Public Docket and Freedom of Information Section, Field Operations Division (H–7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,

In person, bring comments to:

Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By Mail:

Hoyt Jamerson, Emergency Response and Minor Use Section (H–7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the named Agricultural Experiment Stations. These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose amendments to tolerances established for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methylethyl)-N-(3,5-dichlorophenyl)-2,4-dioxo-1-

imidazolidinecarboxamide], and its metabolite 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on certain raw agricultural commodities. IR-4 requested that tolerances established for residues of iprodione in or on cherries (sweet), peaches (including nectarines), and plums be amended to allow residues resulting from postharvest application at the existing tolerance level of 20 parts per million (ppm), which is established for residues resulting from preharvest application of the fungicide to these commodities.

1. *PP 8E3619.* Petition submitted on behalf of the California Agricultural Experiment Station proposed amending the existing tolerance for residues of iprodione on sweet cherries at 20 parts per million (ppm) to allow residues resulting from postharvest use of the fungicide.

2. *PP 8E3645.* Petition submitted on behalf of the California Agricultural Experiment Station proposed amending the existing tolerance for residues of iprodione on peaches (including nectarines) and plums at 20 ppm to allow residues of the fungicide resulting from postharvest application of the herbicide.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed amendments include:

1. A three-generation rat reporduction study with a no-observed-effect level (NOEL) of 500 ppm (25 milligrams (mg)/kilogram (kg) of body weight per day), a reproductive lowest-effect level (LEL) of 2,000 ppm (100 mg/kg/day), and a systemic NOEL equal to or greater than 2,000 ppm (100 mg/kg/day, highest dose tested).

2. A rabbit teratology study in which doses administered by gavage at 0, 20, 60, and 200 mg/kg/day indicate a maternal NOEL of 20 mg/kg/day and a NOEL for developmental toxicity at 60 mg/kg/day. Developmental toxicity (skeletal variations) was demonstrated at 200 mg/kg/day.

3. A 24-month rat feeding/oncogenicity study using dosage levels of 125, 250, and 1,000 ppm (equivalent to 6.25, 12.5, and 50 mg/kg body weight/day), which showed no oncogenic effects under the conditions of the study and resulted in a systemic NOEL equal to or greater than 1,000 ppm.

4. An 18-month oncogenicity study in mice using dosage levels of 200, 500, and 1,250 ppm (equivalent to 28.6, 71.4, and 178.6 mg/kg body weight/day), which showed no oncogenic effects under the conditions of the study.

5. A 1-year dog feeding study with a NOEL of 4.2 mg/kg body weight/day (equivalent to 160 ppm).

6. A 90-day dog feeding study using dosage levels of 800, 2,400 and 7,200 ppm (20, 60, and 180 mg/kg body weight/day) with a NOEL of 2,400 ppm and a LEL of 7,200 ppm (liver hypertrophy).

7. A mammalian cell forward mutation study, a Chinese hamster ovary (CHO) metaphase analysis study, and a sister chromatid exchange study which were negative for mutagenic effects and a DNA damage study which was positive for DNA damage at the highest dose tested, 20.6 microgram/disc.

The acceptable daily intake (ADI), based on the 1-year dog feeding study with a NOEL of 4.2 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.04 mg/kg of body weight/day. The theoretical maximum residue contribution (TMRC) from existing tolerances is calculated to be 0.044028 mg/kg/day; the current action will not increase the TMRC. The current action will not utilize any additional percent of the ADI; tolerances for the commodities, which are established for pre-harvest application of iprodione, are also adequate to cover residues resulting from postharvest application.

The nature of the residues is adequately understood and an adequate analytical method, gas liquid chromatography using an electron capture detector, is available in FDA's *Pesticide Analytical Manual* (PAM), Vol. II, for enforcement purposes. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency and the fact that cherries, peaches, nectarines, and plums are not considered animal feed commodities, the proposed amendments to 40 CFR 180.399 would protect the public health. Therefore, it is proposed that the tolerances be amended as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 8E3619, 8E3645/P481]. All written comments filed in response to these petitions will be available in the Public Docket and Freedom of Information Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: April 12, 1989.

Frank Sanders,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.399(a) is amended by revising the entries for cherries (sweet), nectarines, peaches, and plums, to read as follows:

§ 180.399 Iprodione; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Cherries (sweet) (pre- and postharvest)	20.0
* * * * *	
Nectarines (pre- and postharvest)	20.0
* * * * *	
Peaches (pre- and postharvest)	20.0
* * * * *	
Plums (pre- and postharvest)	20.0
* * * * *	

[FR Doc. 89-9871 Filed 4-25-89; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 69

[CGD 87-015b]

RIN 2115-AC67

Tonnage Measurement of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a major revision of its vessel tonnage measurement regulations. The proposal would incorporate the system of measurement established under the International Convention on Tonnage Measurement of Ships, 1969, and provide a framework for phasing in the Convention Measurement System as the method of measuring ships domestically to establish uniformity in vessel measurement. The availability of the alternate domestic measurement systems would be continued for regulatory purposes so that the application of the laws of the United States would be preserved in order that vessels engaged in domestic commerce would not be adversely affected.

This revision is necessary to implement the statutory mandate calling for these changes. In the process of incorporating these changes into the regulations, the Coast Guard is proposing to rearrange and renumber the regulations in a more current and readable format.

This proposal should carry out the intent of Congress, while facilitating the use of these complex regulations by the maritime industry.

DATE: Comments must be received on or before June 26, 1989.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 87-015b), U.S. Coast Guard, Washington, DC 20593-0001. Comments received may be inspected or copied at the Office of the Marine Safety Council, U.S. Coast Guard, Room 3600, 2100 Second Street SW., Washington DC, 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis A. Lamont, Tonnage Survey Branch, (202) 267-2292.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each letter should include the name and address of the person submitting the comments, reference the document number (CGD 87-015b) and the specific section of the proposal to which each comment applies, and give the reasons for each comment. If acknowledgment of receipt of comments is desired, a stamped, addressed post card or envelope should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The proposal may be changed in view of the comments received. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Dennis A. Lamont, Project Manager, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

Scope of this Rulemaking

This rulemaking is limited in scope to—

(a) The addition of regulations necessary to implement the International Convention on Tonnage Measurement of Ships, 1969, (Convention) and to comply with other tonnage measurement requirements of Pub. L. 99-509 (Part J of 46 U.S.C. Subtitle II); and

(b) The reorganization and clarification of the regulations presently found in Part 69 of Title 46 of the Code of Federal Regulations (46 CFR Part 69) concerning the Standard, Dual, and Simplified Measurement Systems, without substantive change not called for under Pub. L. 99-509.

A great effort has been made not to omit or substantively change the existing regulations not affected by Pub. L. 99-509. However, we ask that you review this proposal carefully in light of the existing regulations and notify the Coast Guard (see **"ADDRESS"**) of any omission or addition which would vary the meaning or effect of the existing regulations. In doing so, we ask that you reference the existing provision and the corresponding proposed provision, if any. Additional changes recommended for improving the tonnage measurement regulations or process that are outside of the scope of the present rulemaking may have to be considered at a later time under a separate rulemaking.

Background

Tonnage is a measure of a vessel's volume and is used for international, customs, and regulatory purposes, such as applying international maritime agreements, setting customs duties, and determining the size and licensing of the crew. The ancient practice of measuring (admeasuring) a vessel to determine its earning capacity (i.e. the volume of its commercial cargo and passenger spaces) evolved internationally into a host of complex schemes which often produced widely varying tonnages from country to country with little relationship to the vessel's actual size. Internationally, the problem was addressed in the International Convention on Tonnage Measurement of Ships, 1969, (Convention) which established a universal system of measurement for vessels engaged on a foreign voyage. The Convention came into effect in the United States on February 10, 1983. Domestically, Congress addressed the problem in the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509; October 21, 1986) by authorizing the promulgation of regulations—

(a) For phasing in the Convention Measurement System as the method for measuring ships domestically in order to establish uniformity in measurement; and

(b) For retaining the existing domestic systems (i.e. the Standard, Dual, and Simplified Measurement Systems) as alternative systems for use in applying domestic laws based on tonnage, in order that the vessels engaged in domestic activities will not be adversely affected.

Changes Resulting from Pub. L. 99-509

Public Law 99-509 made major revisions to the domestic measurement laws and consolidated them into a new Part J of 46 U.S.C. Subtitle II. Part J authorizes the Secretary of the Department of Transportation (Coast Guard) to promulgate the following regulations:

(a) The Convention Measurement System would be the primary system for measuring all U.S. vessels of 79 feet or more in length. Vessels that are measured under the Convention Measurement System and that will engage on a foreign voyage are issued an International Tonnage Certificate (1969), as required by the Convention. The tonnage listed on this Certificate is used for the application of all U.S. laws based on tonnage, except as under paragraph (b) of this section.

(b) The existing Standard and Dual Measurement Systems would be retained for measuring (1) vessels under 79 feet in length, (2) vessels measured under the Convention Measurement System which the owner chooses also to

have measured under the Standard or Dual Measurement Systems for the purpose of applying certain laws and regulations based on tonnage, and (3) vessels operating only on the Great Lakes.

(c) The Simplified Measurement System would be extended to all vessels of less than 79 feet in overall length. All vessels of 79 feet or more in overall length would be excluded from using this system.

Discussion of the Proposed Rule

This proposed rule completely reorganizes the existing regulations in Part 69, deletes out-of-date definitions, terms, and tables, incorporates the Convention Measurement System requirements, and renumbers each section according to current practices. (See the "Derivation and Distribution Tables" section in this preamble.) Proposed Part 69 is divided into five subparts (Subpart A—General, B—Convention Measurement System, C—Standard Measurement System, D—Dual Measurement System, and E—Simplified Measurement System) to clearly differentiate the various measurement systems and identify the general rules.

(a) *Subpart A—General.* This contains the provisions of existing Subpart 69.01 of Part 69 and other provisions applicable to measurement procedures and processes in general.

Proposed § 69.9 contains definitions of terms used in Subpart A and throughout the remaining subparts. In working with one measurement system's subpart, these definitions are used in addition to the definitions for that subpart.

Of particular interest is proposed § 69.11, which is intended to assist the individual vessel owner in identifying the specific measurement system or systems applicable to the vessel without the owner having to read Part 69 in its entirety. Proposed § 69.11 indicates that the Convention Measurement System is the required system for vessels of 79 feet or more in length unless specifically exempted, establishes the Standard and Dual Measurement Systems as those that may, at the owner's option, be used in applying certain U.S. laws and regulations based on tonnage, and limits the Simplified Measurement System to vessels under 79 feet in length that their owners choose not to have measured under the Standard or Dual Measurement Systems.

Proposed § 69.15 restates existing § 69.01–11, concerning measurement organizations authorized to measure vessels under Part 69. The delegation of the measurement function for certain vessels to the American Bureau of Shipping (ABS) was published as a final rule on May 1, 1987, (52 FR 15947).

Proposed § 69.21 on appeals of measurement decisions is similar to existing § 69.01–17, as amended on May 1, 1987, (52 FR 15947), except that appeals must be submitted to the Commandant via the measurement organization.

Proposed § 69.23 on fees charged by measurement organizations is derived from § 69.01–19, as amended on May 1, 1978, (52 FR 15947).

Proposed § 69.27 restates the recent regulation concerning the application process for organizations seeking delegation of authority to measure vessels under Part 69. The existing provision (§ 69.01–20) became effective on June 6, 1988, (53 FR 20619).

(b) *Subpart B—Convention Measurement System.* This proposed subpart implements the Convention and those provisions of Pub. L. 99–509 relating to the Convention (46 U.S.C. 14301 through 14307) and states the procedures for measuring a vessel under the Convention Measurement System.

(c) *Subpart C—Standard Measurement System.* This proposed subpart implements 46 U.S.C. 14512 and contains the regulations in existing Part 69, Subpart 69.03, which states the procedures for measuring a vessel under the Standard Measurement System. The proposed subpart incorporates the relevant definitions and figures in existing Part 69, Subparts 69.07, 69.09, 69.11, and 69.13. In the present regulations, the Standard and the Dual Measurement Systems are referred to as "formal measurement systems". The term "formal measurement systems" would be deleted as confusing and unnecessary under this proposal.

(d) *Subpart D—Dual Measurement System.* This proposed subpart implements 46 U.S.C. 14513 and incorporates the regulations in existing Part 69, Subpart 69.15, which states the procedures for measuring a vessel under the Dual Measurement System. As discussed in paragraph (c) above, this system no longer would be referred to as a "formal measurement system" under this proposal. The table and figures used in this proposed subpart have been redrafted to delete unnecessary information on vessel dimensions and to add examples, where helpful.

(e) *Subpart E—Simplified Measurement System.* This proposed subpart implements 46 U.S.C 14522 and incorporates the regulations in existing Part 69, Subpart 69.05, which states the procedures for measuring a vessel under the Simplified Measurement System.

Derivation and Distribution Tables

The material in existing Part 69 would be entirely rearranged and renumbered using the current regulatory format. The following tables should assist the reader in locating the source of or Congressional authority for the material in this proposal.

DERIVATION TABLE

New section	Old section
69.1	69.01–1
69.3	69.01–3(a)
69.5	69.01–3(a), 69.01–5
69.7	69.01–3(b), 69.01–9(a)
69.9	69.01–7
69.11	69.01–9, 69.05–1
69.13	69.01–9(b)
69.15	69.01–3(c), 69.01–11
69.17	69.01–13
69.19	69.01–15, 69.05–9
69.21	69.01–17
69.23	69.01–19
69.25	New—46 U.S.C. Chapter 147
69.27	69.01–20
69.29	69.01–21
69.51–69.75	New—46 U.S.C. Chapter 143
69.101	69.01–1
69.103	69.03–11, 13, 15, 17, 19, 25, 29 and Subparts 69.09 and 69.11
69.105	69.01–13
69.107	69.01–07
69.109	69.03–11, 21, 25, 27, 29, 31, 33, 35, 37, 39, 41, 45, 47, 51, 53, 73
69.111	69.03–55
69.113	69.03–57
69.115	69.03–59
69.117	69.03–63, 65, 67, 69, 71
69.119	69.03–75, 77, 78 and Subpart 69.11
69.121	69.03–79, 81, 83, 85, 87, 89, 91, 93, 95
69.123	69.07–1
69.151	69.15–17
69.153	NVIC 3–66
69.155	69.15–5
69.157	69.15–1, 35
69.159	69.15–39
69.161	69.15–13, 15
69.163	69.15–7
69.165	69.15–9
69.167	69.15–11
69.169	69.15–3
69.171	69.15–19 (e) and (f)
69.173	69.15–17
69.175	69.15–17
69.177	69.15–19, 21, 23, 25, 27, 29, 31, 33, 37
69.179	69.15–41
69.181	69.15–25, 29 Figure 57
69.183	69.15–19 Figures 54, 55, 56
69.201	69.05–1
69.203	69.05–3
69.205	69.05–5
69.207	69.05–5
69.209	69.05–7

DISTRIBUTION TABLE

Old section	New section
69.01–01	69.1
69.01–03(a)	69.3
69.01–03(b)	69.7
69.01–03(c)	69.15(d)
69.01–05	69.5
69.01–07	69.9

Old section	New section
69.01-09(a)-(a)(4)	69.11
69.01-09(a)(5)-(a)(6).	69.7
69.01-09(b)	69.13(b)
69.01-09(c)	Unnecessary.
69.01-09(d)	Unnecessary—all new vessels are measured under the Convention Measurement System.
69.01-11	69.15
69.01-13	69.17, 69.105
69.01-15	69.19
69.01-17	69.21
69.01-19	69.23
69.01-20	69.27
69.01-21	69.29
69.03-1	Unnecessary.
69.03-3	Unnecessary.
69.03-5	Unnecessary.
69.03-7	Unnecessary.
69.03-9	Unnecessary.
69.03-11	69.103, 69.109(j)
69.03-13	Unnecessary—the Convention Measurement System registered length in 69.53 and 69.103 is the only length required to be recorded.
69.03-15	Unnecessary—the Convention Measurement System registered breadth in 69.53 and 69.103 is the only breadth required to be recorded.
69.03-17	Unnecessary—the Convention Measurement System molded depth in 69.53 and 69.103 is the only breadth required to be recorded.
69.03-19	69.103, 69.109(d)
69.03-21	69.109(d)
69.03-23	Unnecessary.
69.03-25	Redundant—69.103 and 69.109(h)(1) are adequate.
69.03-27	Redundant—69.103 and 69.109(h)(1) are adequate.
69.03-29(a)	69.103 and 69.109(c)
69.03-29(b)	69.103 and 69.109(e)
69.03-29(c)	69.109(d)
69.03-31	69.109(f)
69.03-33(a)	69.109(h)
69.03-33(b)	Redundant—69.103 and 69.109(j) are adequate.
69.03-33(c)	69.109(j)
69.03-33(d)-(f)	69.109(h)(2)-(3)
69.03-35	69.109(h)(4)
69.03-37	69.109(i)
69.03-39	69.109(i)
69.03-41	69.109(g)
69.03-43	Unnecessary.
69.03-45(a)	69.109(k)
69.03-45(b)	69.109(l)
69.03-47	69.109(m)
69.03-49	Unnecessary.
69.03-51	69.109(n)—the procedures and mathematical formula indicated for a particular shaped shaft tunnel is not considered necessary.
69.03-53	69.109(f)(2)
69.03-55	69.111
69.03-57	69.113
69.03-59	69.115
69.03-61	Unnecessary—this information is no longer required to be listed on vessel document.
69.03-63(a)-(f)	69.117(a)-(b)
69.03-63(g)	69.117(f)
69.03-63(h)	69.117(b)(8)
69.03-63(i)	69.117(b)(9)
69.03-65	69.117(c)
69.03-67	69.117(d)
69.03-69	69.117(e)
69.03-71	69.117(d)(5)
69.03-73	69.109(o)
69.03-75(a)	69.119(a)
69.03-75(b)	69,119(b)
69.03-75(c)	69.119(p)
69.03-75(d)	69.119(g)
69.03-75(e)	69.119(e)
69.03-75(f)	69.119(h)
69.03-75(g)-(i)	69.119(q)
69.03-77(a)	69.119(b)(c)(j)
69.03-77(b)	69.119(c)
69.03-77(c)	69.119(d)
69.03-77(d)	69.119(e)
69.03-77(e)	69.119(f)
69.03-77(f)	69.119(k)
69.03-77(g)	69.119(l)
69.03-77(h)	69.119(i)
69.03-77(i)	69.119(m)
69.03-78	69.119(n)
69.03-79	69.121(a)-(b)(1)
69.03-81	69.121(b)(2)
69.03-83	69.121(b)(3)-(5)
69.03-85	Redundant—69.121(b)(1)-(3) is adequate.
69.03-87	Redundant—69.121(b)(1)-(4) is adequate.
69.03-89	69.121(b)(6)-(12)
69.03-91	Incorporated in 69.121(b)(1)-(12).
69.03-93	69.121(e)
69.03-95(a)-(c)	69.121(d)
69.03-95(d)	Unnecessary example.
69.03-97(a)	Unnecessary.
69.03-97(b)	Obsolete.
69.05-1	69.11(d) and 69.201
69.05-3	69.203
69.05-5(a)	69.205 and 69.207(b)
69.05-5(b)	69.207(a)
69.05-5(c)	Unnecessary—indicated on application.
69.05-5(d)	69.207(c)
69.05-7	69.209
69.05-9(a)	69.19(a)
69.05-9(b)	69.11(d)
69.05-11	Unnecessary.
69.07-1	69.123—obsolete and unnecessary figures are deleted.
69.07-3	Unnecessary.
69.07-5	Unnecessary.
69.07-7	Unnecessary.
69.07-9	Unnecessary.
69.07-11	Unnecessary.
69.09-1 through 69.09-21.	69.103—obsolete and unnecessary definitions are deleted.
69.11-1 through 69.11-15.	Incorporated in 69.119(b)—unnecessary definitions are deleted.
69.13-1 through 69.13-157.	Unnecessary—although structural terms are used in the new section, a separate definition section is not necessary.
69.15-1	69.157
69.15-3	69.169
69.15-5	69.155
69.15-7	69.163
69.15-9	69.165
69.15-11	69.167
69.15-13	69.161(a)(4)
69.15-15	69.161
69.15-17(a)	69.173
69.15-17 (b) and (c).	69.175
69.15-19(a)-(d)	69.177
69.15-19(e)-(f)	69.171
69.15-19—Figure	69.185(a)
69.15-21	69.177(a)(4)
69.15-23	69.177(a)(5)-(6)
69.15-23—Figures	69.185(b)-(c)
69.15-25	69.181(b)
69.15-27	69.157(b) and 69.181(a)
69.15-29	69.177(a)(5)
69.15-31	69.177(a)(5)
69.15-33	69.177(d)
69.15-35	69.177(c)
69.15-37	69.177(a)
69.15-39	69.17 and 69.159
69.15-41	69.179

E.O. 12291 and DOT Regulatory Policies and Procedures

These proposed regulations are considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation (DOT) regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary.

As required by Pub. L. 99-509, this proposal would change the measurement system under which some vessels are measured and is administrative in nature. This proposal would affect barges and recreational vessels of 79 feet or more in length by eliminating the option of having these vessels measured under the Simplified Measurement System. However, measurement of these vessels, if they will not engage on a foreign voyage, is and would continue to be at the owner's option. Measurement is usually a one-time expenditure that is insignificant in terms of the overall cost of owning and operating the vessel. Further, it is noted that this proposal would not affect vessels presently measured and documented under laws of the United States until those vessels are altered.

The potential impacts that this proposal might have on States and local governments with laws or regulations based on Federally-assigned tonnage would result from statutory mandate, as discussed under "Federalism Implications" in this preamble.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard must consider whether this proposal would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses which are not dominant in their field and which would otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

The economic impact of this proposal is expected to be minimal. This proposal would affect the measurement requirements for certain larger vessels and would limit the option of measurement under the Simplified

Measurement System to smaller vessels. No new application costs, burdens, or procedures would be imposed and the larger vessels presently required to be measured under two systems would be required to be measured under only one system. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if promulgated, would not have a significant economic impact on a substantial number of small entities. If, however, you feel that your business may qualify as a small entity and that the proposed rules would have a significant economic impact on your business, please notify the Coast Guard (see "ADDRESS") and explain why you feel your business qualifies and in what way and to what degree the proposed rules would affect your business economically.

Paperwork Reduction Act

This proposed rulemaking reorganizes without substantive change sections already containing information collection requirements. These items have been submitted to the Office of Management and Budget (OMB) for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been approved by OMB. The section numbers and the corresponding OMB approval numbers are as follows: §§ 69.17, 69.19, and 69.21—OMB Control Numbers 2115–0080 and 2115–0086; § 69.27—OMB Control Number 2115–0567; §§ 69.55, 69.105, 69.121(d), 69.159, and 69.179—OMB Control Number 2115–0080; and § 69.205—OMB Control Number 2115–0086. A request has been submitted to OMB to consolidate all information collection requirements in Part 69 under one OMB Control Number.

This proposed rulemaking would impose no new paperwork burden requirements but merely changes the measurement system under which some larger vessels are measured. An estimated 10 percent of all vessels of 79 feet or more in length are presently required to acquire two tonnage certificates. This proposal would reduce that requirement to one certificate for each vessel.

As required by Pub. L. 99–509, this proposal also would eliminate the option to have barges and recreational vessels of 79 feet or more in length measured under the Simplified Measurement System. Although the existing and proposed regulations do not require these vessels to be measured under any system (unless they will engage on a foreign voyage), the proposal would permit these vessels to be measured under the Convention Measurement System or, if the vessel is to operate only on the Great Lakes, under the Standard or Dual Measurement System. This proposal might cause an estimated 34 additional vessels per year to be measured under the Convention. Standard, or Dual Measurement Systems, rather than under the Simplified Measurement System.

Federalism Implications

Based on the information available to it at the present time, the Coast Guard is unable to determine whether the proposed rule would have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The information available to the Coast Guard indicates that the proposed regulations would have a minimal effect on State or local laws and regulations based on Federally-assigned tonnages by requiring or permitting vessels presently eligible to be measured under one system to be measured under another system. Measurement under another system would produce a different tonnage. However, these proposed changes and their resulting effect on the States and local governments would be due to specific statutory mandate under Pub. L. 99–509 and not to discretionary action by the Coast Guard. Any effect on State or local governments most likely would be temporary because they could amend their laws or regulations as necessary to maintain the status quo.

The Coast Guard specifically requests public comment (see "ADDRESSES") on any substantial direct effect this proposal would have on—

(a) A State or a unit of local government or other political subdivision established by the State (a "State");

(b) The relationship between the Federal government and a State; or

(c) The distribution of power and responsibilities among the various levels of government.

Environmental Assessment

The Coast Guard has considered the environmental impact of the proposed regulations and concluded that, under section 2.B.2.1. of Commandant Instruction M16475.1B, the proposed regulations are categorically excluded from further environmental documentation. This proposal is an administrative and procedural regulation concerning the procedures for measuring vessels and clearly has no environmental impact.

List of Subjects in 46 CFR Part 69

Measurement standards, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, 46 CFR Part 69 is proposed to be amended as follows:

1. By revising Part 69 to read as follows:

PART 69—MEASUREMENT OF VESSELS

Subpart A—General

Sec.

Subpart B—Convention Measurement System

Subpart C—Standard Measurement System

Authority: 46 U.S.C. 14102, 14103; 49 CFR 1.46. Section 69.27 issued under 44 U.S.C. 3507; 49 CFR 1.45.

Subpart A—General

§ 69.1 Purpose.

This part implements legislation concerning the measurement of vessels to determine their tonnage (Part J of 46 U.S.C. Subtitle II). Tonnages are required before a vessel may be documented as a vessel of the United States. Also, tonnages are used to apply commercial vessel safety regulations based on tonnage, to meet the requirements of the International Convention on Tonnage Measurement of Ships, 1969, and to determine Federal and State regulatory fees and private operational charges based on tonnage. Tonnages are determined by the physical measurement of a vessel (Convention, Standard, and Dual Measurement Systems) or by application of a formula based on the vessel's dimensions provided by the owner (Simplified Measurement System). This part indicates the particular measurement system or systems under which the vessel is required or eligible to be measured, describes the application and measurement procedures for each system, identifies the organizations authorized to measure vessels under this part, and provides for the appeal of measurement organizations' decisions.

§ 69.3 Applicability.

This part applies to vessels of the United States over five net tons (as that tonnage is determined under this part) which are required or eligible to be measured under this part, a Federal law, or an international agreement or which are subject to a Federal law or international agreement based on the vessel's tonnage.

§ 69.5 Vessels required or eligible to be measured.

(a) The following vessels (including public vessels) are required to be measured under this part:

(1) Vessels that are to be documented as a vessel of the United States.

(2) Vessels of 79 feet or more in overall length that engage on a foreign voyage.

(3) Vessels subject to a Federal law or regulation based on vessel tonnage.

(4) Vessels determined by the Commandant to require measurement under this part.

(b) The following vessels are not required to be measured under this part but are eligible to be measured, if the owner requests:

(1) Public vessels that are not to be documented and will not engage on a foreign voyage.

(2) Vessels of war.

§ 69.7 Vessels transiting the Panama and Suez Canals.

(a) All vessels intending to transit the Panama Canal, other than vessels of war, must be measured and certificated under the system prescribed in 35 CFR Part 135.

(b) All vessels intending to transit the Suez Canal must be measured and certificated under the Arab Republic of Egypt Suez Canal Authority Rules of Navigation, Part IV.

(c) Panama Canal and Suez Canal tonnage certificates are in addition to tonnage certificates issued under this part.

(d) Tonnage measurement services for Panama Canal and Suez Canal certificates are provided by measurement organizations authorized by the respective canal authority.

§ 69.9 Definitions.

As used in this part—

"Commandant" means Commandant of the Coast Guard at the following address: Commandant (G–MVI), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

"Convention" means the International Convention on Tonnage Measurement of Ships, 1969.

"Convention Measurement System" means the system under Subpart B of this part.

"Dual Measurement System" means the system under Subpart D of this part.

"Great Lakes" means the Great Lakes of North America and the St. Lawrence River west of a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

"Gross tonnage" means a vessel's approximate volume. Under the Convention Measurement System, it means the total volume of all enclosed spaces modified by a coefficient. Under the Standard and Dual Measurement Systems, it means the total volume of all enclosed spaces less certain exempt spaces. Under the Simplified Measurement System, it means the product of a vessel's length, depth, and breadth modified by a coefficient.

"Net tonnage" means a measure of a vessel's earning capacity. Under the Convention Measurement System, it means the volume of the actual cargo and passenger spaces modified by a formula based on the vessel's volume. Under the Standard and Dual Measurement Systems, it means the gross tonnage less certain deducted spaces. Under the Simplified Measurement System, it means the gross tonnage modified by a coefficient.

"Overall length" means the horizontal distance between the foremost part of a vessel's stem to the aftermost part of its stern, excluding fittings and attachments.

"Simplified Measurement System" means the system under Subpart E of this part.

"Standard Measurement System" means the system under Subpart C of this part.

"Tonnage" means the volume of a vessel's enclosed spaces as calculated under a measurement system in this part. Tonnage calculated under the Standard, Dual, or Simplified Measurement Systems is based on tons of 100 cubic feet each. Tonnage calculated under the Convention Measurement System is based on tons of 100 cubic feet modified by a logarithmic function.

"Vessel engaged on a foreign voyage" means a vessel—

(a) Arriving at a place under the jurisdiction of the United States from a place in a foreign country;

(b) Making a voyage between places outside of the United States;

(c) Departing from a place under the jurisdiction of the United States for a place in a foreign country; or

(d) Making a voyage between a place within a territory or possession of the United States and another place under the jurisdiction of the United States not within that territory or possession.

"Vessel of war" means "vessel of war" as defined in 46 U.S.C. 2101.

§ 69.11 Determining the measurement system or systems for a particular vessel.

(a) *Convention Measurement System (Subpart B).* (1) Except as otherwise provided in this section, this system applies to a vessel documented or to be documented under Part 67 of this chapter and to a vessel engaged on a foreign voyage.

(2) This system does not apply to the following vessels:

(i) A vessel of less than 79 feet in overall length.

(ii) A vessel operating only on the Great Lakes, unless the owner requests measurement under this system.

(iii) A vessel that is not engaged on a foreign voyage and that had its keel laid or was at a similar stage of construction before January 1, 1986, unless the owner requests measurement under the Convention Measurement System or unless the vessel undergoes a change that the Commandant finds substantially affects the vessel's gross tonnage.

(iv) Before July 19, 1994, an existing vessel, unless the owner requests or unless the vessel undergoes a change that the Commandant finds substantially affects the vessel's gross tonnage.

(v) A vessel of war.

(3) A vessel made subject to this system at the request of the owner may be remeasured only under this system.

(4) For the purpose of vessel documentation, a vessel measured under this system is not required to be measured under another system.

(5) After July 18, 1994, a vessel the keel of which was laid or that was at a similar stage of construction before July 18, 1982, (except a vessel measured under this system at the request of the owner or because of a change that substantially affects the vessel's gross tonnage) may retain its tonnages in effect on July 18, 1994, for the application of relevant requirements under an international agreement (except the Convention) or other laws of the United States. However, if the vessel undergoes a change after July 18, 1994, that the Commandant finds substantially affects the vessel's gross tonnage, the vessel must be remeasured only under this system.

(6) A tonnage assignment under this system does not affect the applicability to the vessel of international agreements to which the United States Government is a party that are not in conflict with the Convention or with the application of International Maritime Organization (IMO) Resolutions A.494(XII) of November 19, 1981, A.540(XIII) of November 17, 1983, and A.541(XIII) of November 17, 1983. When applicable to the vessel, these Resolutions provide interim schemes for using the vessel's existing gross tonnage, instead of the gross tonnage under the Convention Measurement System, for applying the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, (STCW), and the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL), respectively.

(b) *Standard Measurement System (Subpart C).* This system applies to a vessel not required to be measured under the Convention Measurement System if the vessel is to be documented or if the application of a law of the United States to the vessel depends on the vessel's tonnage. Upon request of the owner, this system also applies to a documented vessel measured under the Convention Measurement System when Standard Measurement System tonnages are to be used in applying the provisions of a law under 46 U.S.C. 14305.

(c) *Dual Measurement System (Subpart D).* This system may be applied, at the owner's option, instead of the Standard Measurement System, to a vessel eligible or required to be measured under the Standard Measurement System.

(d) *Simplified Measurement System (Subpart E).* This system may be applied, at the owner's option, instead of the Standard Measurement System to a vessel under 79 feet in overall length.

§ 69.13 Deviating from the provisions of a measurement system.

(a) In measuring a vessel under a measurement system in this part, all provisions of that system applicable to the vessel must be observed.

(b) The provisions of more than one measurement system may not be applied interchangeably or combined.

§ 69.15 Organizations authorized to measure vessels.

(a) Except as under paragraphs (c) and (d) of this section, all U.S. vessels to be measured or remeasured under the Convention, Standard, or Dual Measurement Systems must be measured by the American Bureau of Shipping (ABS). Applications for measurement must be directed to the American Bureau of Shipping, P.O. Box 910 (45 Eisenhower Drive), Paramus, New Jersey 07653-0910, (201) 712-5092.

(b) All vessels to be measured or remeasured under the Simplified Measurement System must be measured by the Coast Guard. Applications for measurement under the Simplified Measurement System are obtainable from any Coast Guard documentation office.

(c) All U.S. Coast Guard vessels and all U.S. Navy vessels of war to be measured or remeasured under any measurement system must be measured by the Coast Guard.

(d) At the option of the Commandant, the Coast Guard may measure any vessel to determine its tonnage.

(e) The appropriate certificate of measurement is issued by the measuring organization as evidence of the vessel's measurement under this part.

§ 69.17 Application for measurement services.

(a) Applications for measurement are available from and, once completed, are submitted to the measurement organization listed in § 69.15 that will perform the service. The contents of the application are described in this part under the requirements for each system.

(b) Applications for measurement under more than one system may be combined.

(c) For vessels under construction, the application must be submitted before the vessal is advanced in construction. Usually, this means as soon as the decks are laid, holds cleared of encumbrances, engine and boilers installed, and accommodations partitioned.

§ 69.19 Remeasurement and adjustment of tonnage.

(a) If a vessel that is already measured is to undergo a structural alteration or if the use of a space within that vessel is to be changed, a remeasurement may be required. Vessel owners shall report immediately to a measurement organization listed in § 69.15 any intent to structurally alter the vessel or to change the use a space within the vessel. The organization advises the owner if remeasurement is necessary. Spaces not affected by the alteration or change need not be remeasured.

(b) When there is a perceived error in the application of a regulation or in the tonnage calculations, the vessel owner should contact the responsible measurement organization. If the error is verified, the tonnage is adjusted as necessary.

(c) If a remeasurement or adjustment of tonnage is required, the organization will issue a new tonnage certificate. If the vessel is documented, the vessel's owner must surrender the Certificate of Documentation as required under Part 67, Subpart 67.25, of this chapter.

(d) A vessel of less than 79 feet in overall length measured under the Standard or Dual Measurement Systems may be remeasured at the owner's request under the Simplified Measurement System.

§ 69.21 Appeals.

(a) The Commandant determines the appropriate application and interpretation of U.S. laws and regulations and international agreements as they are applied to vessels under this part.

(b) Appeals of decisions made by a measurement organization listed in § 69.15 must be submitted in writing with all supporting data to the measurement organization. The measurement organization then forwards the submittals to the Commandant for consideration of the appeal.

(c) While an appeal is in progress, the decision upon which the appeal is based remains in effect. The decision of the Commandant is final agency action.

§ 69.23 Fees.

Organizations listed in § 69.15(a) are authorized to charge a fee for measurement services. Information on fees is available directly from the organizations.

§ 69.25 Penalties.

(a) *General violation.* The owner, charterer, managing operator, agent, master, and individual in charge of a vessel in violation of a regulation in this part are each liable to the United States Government for a civil penalty of not more than $20,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(b) *False Statements.* A person knowingly making a false statement or representation in a matter in which a statement or representation is required by this part is liable to the United States Government for a civil penalty of not more than $20,000 for each false statement or representation. The vessel also is liable in rem for the penalty.

§ 69.27 Delegation of authority to measure vessels.

(a) Under 46 U.S.C. 14103 and 49 CFR 1.46, the Coast Guard is authorized to delegate to a "qualified person" the authority to measure vessels and to issue appropriate certificates of measurement for U.S. vessels that are required or eligible to be measured as vessels of the United States.

(b) Authority to measure and certify U.S. vessels under the Convention, Standard, and Dual Measurement Systems may be delegated to an organization that—

(1) Is a full member of the International Association of Classification Societies (IACS);

(2) Is incorporated under the laws of the United States, a State of the United States, or the District of Columbia;

(3) Is capable of providing all measurement services under the Convention, Standard, and Dual Measurement Systems for vessels domestically and internationally;

(4) Maintains a tonnage measurement staff that has practical experience in measuring U.S. vessels under the Convention, Standard, and Dual Measurement Systems; and

(5) Enters into a Memorandum of Agreement, as described in paragraph (d) of this section.

(c) Applications for delegation of authority under this section must be forwarded to the Commandant and include the following information on the organization:

(1) Its name and address.

(2) Its organizational rules and structure.

(3) The location of its offices that are available to provide measurement services under the Convention, Standard, and Dual Measurement Systems.

(4) The name, qualifications, experience, and job title of each full-time or part-time employee or independent contractor specifically designated by the organization to provide measurement services under the Convention, Standard, or Dual Measurement Systems.

(5) Its tonnage measurement training procedures.

(d) If, after reviewing the application, the Coast Guard determines that the organization is qualified to measure and certify U.S. vessels on behalf of the Coast Guard, the organization must enter into a Memorandum of Agreement with the Coast Guard which—

(1) Defines the procedures for administering and implementing the tonnage measurement and certification processes, including the roles and responsibilities of each party;

(2) Outlines the Coast Guard's oversight role;

(3) Prohibits the organization from using an employee or contractor of the organization to measure and certify the tonnage of a vessel if that employee or contractor is acting or has acted as a tonnage consultant for that same vessel; and

(4) Requires the organization to—

(i) Accept all requests to perform delegated services without discrimination and without regard to the vessel's location, unless prohibited from doing so under the laws of the United States or under the laws of the jurisdiction in which the vessel is located;

(ii) Physically inspect each vessel before issuing a tonnage certificate;

(iii) Provide the Coast Guard with current schedules of measurement fees and related charges;

(iv) Maintain a tonnage measurement file for each U.S. vessel that the organization measures and permit access to the file by any person authorized by the Commandant;

(v) Permit observer status representation by the Coast Guard at all formal discussions that may take place between the organization and other vessel tonnage measurement organizations pertaining to tonnage measurement of U.S. vessels or to the systems under which U.S. vessels are measured;

(vi) Comply with and apply all laws and regulations relating to tonnage measurement of U.S. vessels within the scope of authority delegated; and

(vii) Comply with all other provisions, if any, of the Memorandum of Agreement.

(e) Upon delegation of authority, the organization is listed in § 69.15(a), Organizations authorized to measure vessels.

§ 69.29 OMB control numbers assigned under the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record keeping requirements in this part by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this part comply with 44 U.S.C. 3507(f), which requires that agencies display the current control number assigned by the Director of OMB for each approved agency information collection requirement.

(b) *Display.*

Section of 46 CFR Part 69	Currently assigned OMB control no.
69.17	2115-0080 and 2115-0086.
69.19	Do.
69.21	Do.

Section of 46 CFR Part 69	Currently assigned OMB control no.
69.27	2115-0567.
69.55	2115-0080.
69.105	Do.
69.121(d)	Do.
69.159	Do.
69.179	Do.
69.205	2115-0086.

Subpart B—Convention Measurement System

§ 69.51 Purpose.

This subpart prescribes the requirements for measuring a vessel in order to comply with the International Convention on Tonnage Measurement of Ships, 1969 (Convention), and 46 U.S.C. Chapter 143.

§ 69.53 Definitions.

As used in this subpart—

"Amidships" means the midpoint of the registered length, as "registered length" is defined in this section.

"Cargo space" means an enclosed space appropriated for the transport of cargo which is to be discharged from the vessel. The term does not include a space which qualifies as an excluded space under § 69.61.

"Enclosed space" is defined in § 69.59.

"Excluded space" is defined in § 69.61.

"Gross tonnage" or "GT" means the tonnage determined under § 69.57.

"Line of the upper deck" means a longitudinal line at the underside of the upper deck or, if that deck is stepped, the longitudinal line of the underside of the lowest portion of that deck parallel with the upper portions of that deck.

"Molded depth" means the vertical distance amidships between the following points:

(a) From the line of the upper deck at the vessel's side or, if the vessel has rounded gunwales, from the intersection of the line of the upper deck extended to the molded line of the shell plating as though the gunwales were of angular design.

(b) To the top of the flat keel, to the lower edge of the keel rabbet if the vessel is of wood or composite structure, or to the point where the line of the flat of the bottom extended inward cuts the side of the keel if the vessel's lower part is hollow or has thick garboards.

"Molded draft" means—

(a) For vessels assigned a load line under Parts 42, 44, 45, or 47 of this chapter, the draft corresponding to the Summer Load Line (other than a timber load line);

(b) For passenger vessels assigned a load line under Part 46 of this chapter, the draft corresponding to the deepest subdivision load line assigned;

(c) For vessels to which Parts 42, 44, 45, 46, or 47 of this chapter do not apply but which otherwise have been assigned a load line, the draft corresponding to the Summer Load Line so assigned;

(d) For vessels to which no load line has been assigned but the draft of which is restricted under any Coast Guard requirement, the maximum draft permitted under the restriction; and

(e) For other vessels, 75 percent of the molded depth.

"Net tonnage" or "NT" means tonnage determined under § 69.63.

"Passenger" means a person on board a vessel other than—

(a) The master, a member of the crew, or other person employed or engaged in any capacity in the business of the vessel; and

(b) A child under one year of age.

"Registered breadth" means the maximum breadth of a vessel measured amidships to the molded line of the frame in a vessel with a metal shell and to the outer surface of the hull in all other vessels.

"Registered length" means either 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the flat keel or the length from the fore side of the stem to the axis of the rudder stock on that waterline, whichever is greater. In vessels designed with a rake of keel, this length is measured on a waterline parallel to the design waterline.

"Upper deck" means the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of all openings in the weather part of the deck, and below which all openings in the sides of the vessel are fitted with permanent means of watertight closing.

"Weathertight" means secure against penetration of water into the vessel in any sea condition.

§ 69.55 Application for measurement services.

Applications for measurement under this subpart must include the following information and plans:

(a) Type of vessel.

(b) Vessel's name, official number (if assigned), and intended port of documentation.

(c) Builder's name and the vessel hull number assigned by builder.

(d) Place and year built.

(e) Date keel was laid.

(f) Overall length, breadth, and depth of vessel.

(g) Lines plan.

(h) Booklet of offsets at stations.

(i) Capacity plans for tanks and cargo compartments.

(j) Hydrostatic curves.

(k) Construction plans showing measurements and scantlings of deck structures, hatches, appendages, recesses, and other enclosed spaces.

(l) Arrangement plans.

§ 69.57 Gross tonnage.

Gross tonnage (GT) is determined by the following formula $GT=K_1V$, in which V=total volume of all enclosed spaces in cubic meters and $K_1=0.2+0.02 \log_{10}V$.

§ 69.59 Enclosed spaces.

"Enclosed space" means a space which is bounded by the vessel's hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the vessel's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead precludes the space from being included in the enclosed space.

§ 69.61 Excluded spaces.

(a) "Excluded space" means an enclosed space which is excluded from volume (V) in calculating gross tonnage. Except as under paragraph (g) of this section, this section lists the excluded spaces.

(b) A space that is within a structure and that is opposite an end opening extending from deck to deck (except for a curtain plate of a height not exceeding by more than one inch the depth of the adjoining deck beams) and having a breadth equal to or greater than 90 percent of the breadth of the deck at the line of the opening is an excluded space, subject to the following:

(1) Only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one half of the breadth of the deck at the line of the opening is excluded. (See § 69.75, Figure 1.)

(2) If, because of any arrangement (except convergence of the outside plating as shown in § 69.75, Figure 3), the breadth of the space is less than 90 percent of the breadth of the deck, only the space between the line of the opening and a parallel line drawn through the point where the athwartship breadth of the space is equal to 90 percent or less of the breadth of the deck is excluded. (See § 69.75, Figures 2 and 4.)

(3) When any two spaces, either of which is excluded under paragraph (b)(1) or (b)(2) of this section, are separated by an area that is completely open except for bulwarks or open rails, these two spaces must not be excluded if the separation between the two spaces is less than the least half breadth of the deck in way of the separation. (See § 69.75, Figures 5 and 6.)

(4) When the deck at the line of an opening has rounded gunwales, the breadth of the deck is the distance between the tangent points indicated in § 69.75, Figure 11.

(c) A space that is open to the weather and that is under an overhead deck covering with no connection on the space's exposed sides between the covering and the deck other than the stanchions necessary for the covering's support is an excluded space. An open rail or bulwark fitted at the vessel's side does not disqualify the space from being an excluded space if the height between the top of the rail or bulwark and the overhead structure or curtain plate (if fitted) is not less than 2.5 feet or one-third of the height of the space, whichever is greater. (See § 69.75, Figure 7.)

(d) A space in a side-to-side structure directly in way of opposite side openings not less than 2.5 feet in height or one-third of the height of the structure, whichever is greater, is an excluded space. If the opening is only on one side of the structure, the space to be excluded is limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening. (See § 69.75, Figure 8.)

(e) A space in a structure immediately below an uncovered opening in the deck overhead is an excluded space, if the opening is exposed to the weather and the space to be excluded is limited to the area of the opening. (See § 69.75, Figure 9.)

(f) A recess in the boundary bulkhead of a structure which is exposed to the weather and which has an opening that extends from deck to deck without a means of closing is an excluded space, if the interior width of the space is not greater than the width of the opening and extension of the space into the structure is not greater than twice the width of the opening. (See § 69.75, Figure 10.)

(g) Any space described in paragraphs (b) through (f) of this section which fullfills at least one of the following conditions is not an excluded space:

(1) The space is fitted with shelves or other means designed for securing cargo or stores.

(2) The opening that would otherwise permit the space to be excluded space is fitted with a means of closure.

(3) Other features of the space make it possible for the space to be closed.

§ 69.63 Net tonnage.

Net tonnage (NT) is determined by the formula:

$$NT = K_2 V_c \left(\frac{4d}{3D}\right)^2 + K_3 \left(N_1 + \frac{N_2}{10}\right)$$, in which:

V_c = total volume of cargo spaces in cubic meters.

$K_2 = 0.2 + 0.02 \log_{10} V_c$.

$$K_3 = 1.25 \left(\frac{GT + 10{,}000}{10{,}000}\right)$$.

D = molded depth amidships in meters, as "olded depth" is defined in § 69.53.

d = molded draft amidships in meters, as "molded draft" is defined in § 69.53.

N_1 = number of passengers in cabins with not more than eight berths, as "passenger" is defined in § 69.53.

N_2 = number of other passengers, as "passenger" is defined in § 69.53.

GT = cross tonnage as determined under § 69.57.

N_1 plus N_2 must equal the total number of passengers the vessel is permitted to carry as indicated on the Ship's Passenger Certificate. If N_1 plus N_2 is less than 13, both N_1 and N_2 are zero.

$\left(\frac{4d}{3D}\right)^2$ must not be greater than unity.

$K_2 V_c \left(\frac{4d}{3D}\right)^2$ must not be less than 0.25 GT.

NT must not be less than 0.30 GT.

§ 69.65 Calculation of volumes.

(a) Volumes V and Vc used in calculating gross and net tonnages, respectively, must be measured and calculated according to accepted naval architectural practices for the spaces concerned.

(b) The volume of the hull below the upper deck is determined as follows:

(1) If the number and location of sections originally used in making other calculations which relate to the form of the vessel (such as displacement volumes and center of buoyancy) are reasonably available, Simpson's first rule may be applied using those sections.

(2) If the number and location of stations originally used are not reasonably available or do not exist and the hull is of conventional design with faired lines, Simpson's first rule may be applied using a number and location of stations not less than those indicated in § 69.109(g)(1).

(3) If the hull is of standard geometric shape, a simple geometric formula that yields a more accurate volume may be used.

(4) If the lines of the hull are not fair, the volume may be measured by using a combination of methods under this section.

(c) The volume of structures above the upper deck may be measured by

applying the superstructure provisions in § 69.113 or by any accepted method or combinations of methods.

(d) Measurements must be taken, regardless of the fitting of insulation or the like—

(1) To the inner side of the shell or structural boundary plating, in vessels constructed of metal; and

(2) To the outer surface of the shell or to the inner side of structural boundary surfaces, in all other vessels.

(e) When determining the volume of a cargo space, measurements must be taken without consideration for insulation, sparring, or ceiling fitted within the space.

(f) Measurements must be to the nearest one-twentieth of a foot.

(g) Calculations must be made on a worksheet and must be sufficiently detailed to permit easy review. The measurement procedures used must be identified on the worksheet.

§ 69.67 Marking of cargo spaces.

Cargo spaces used in determining volume (Vc) for calculating net tonnage must be permanently marked with the letters "CC" (cargo compartment) which are at least four inches in height and positioned so as to be visible at all times.

§ 69.69 Issuance of an International Tonnage Certificate (1969).

On request of the vessel owner, an International Tonnage Certificate (1969) is issued for a vessel measured under this subpart that is 79 feet or more in registered length and that will engage on a foreign voyage. The Certificate is issued to the vessel owner or master and must be maintained on board the vessel when it is engaged on a foreign voyage.

§ 69.71 Change of net tonnage.

(a) When a vessel is altered so that the net tonnage is increased, the new net tonnage must be applied immediately.

(b) A vessel concurrently assigned load lines under both the International Convention on Load Lines (Part 42, 44, 45, or 47 of this chapter) and either the International Convention for the Safety of Life at Sea (SOLAS) (Part 46 of this chapter) or other international agreement must be assigned only one net tonnage. The net tonnage assigned must be the net tonnage applicable to the load line assigned under the International Convention on Load Lines or SOLAS for the trade in which the vessel is engaged.

(c) When a vessel is altered so that the net tonnage is decreased or the vessel's trade is changed so that the load line assigned for that trade under paragraph (b) of this section is no longer appropriate and results in a decrease in its net tonnage, a new International Tonnage Certificate (1969) incorporating that net tonnage may not be issued until twelve months after the date on which the current Certificate was issued. However, if one of the following apply, a new Certificate may be issued immediately:

(1) The vessel is transferred to the flag of another nation.

(2) The vessel undergoes alterations or modifications which the Coast Guard deems to be of a major character, such as the removal of a superstructure which requires an alteration of the assigned load line.

§ 69.73 Variance from the prescribed method of measurement.

(a) When application of this subpart to a novel type vessel produces unreasonable or impractical results, the Commandant may determine a more suitable method of measurement.

(b) Requests for a determination must be submitted to the Commandant, explain the problem, and include plans and sketches of the spaces in question.

§ 69.75 Figures.

O=excluded space.
C=enclosed space.
I=space to be considered as an enclosed space.
B=breadth of deck in way of the opening.

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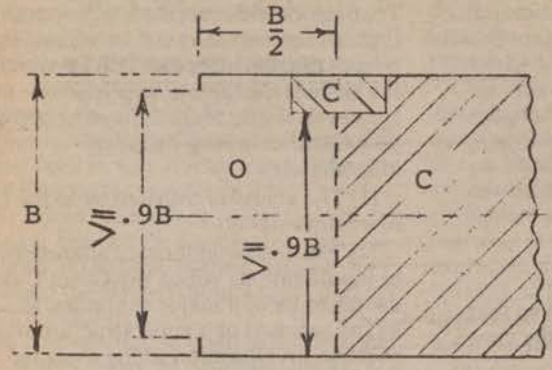
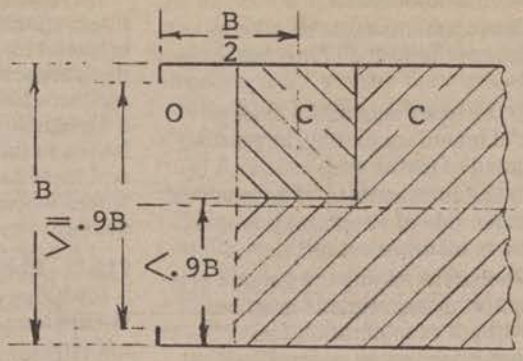


Figure 1



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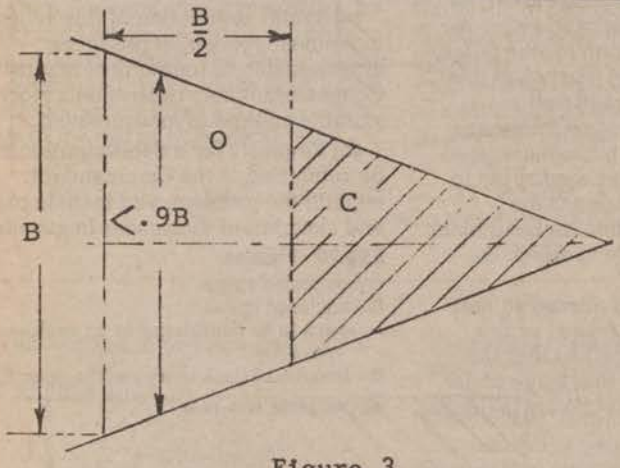

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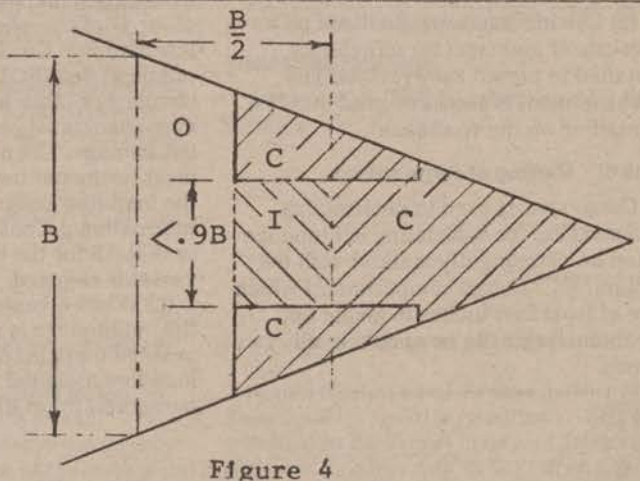

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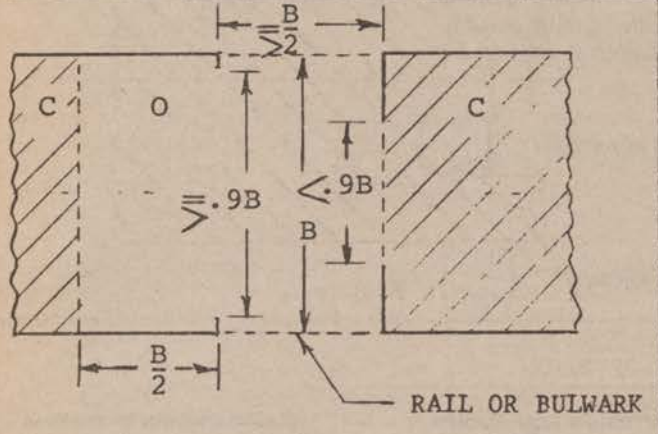

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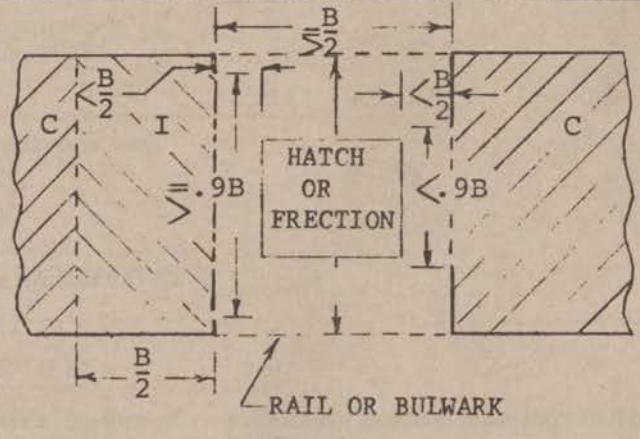
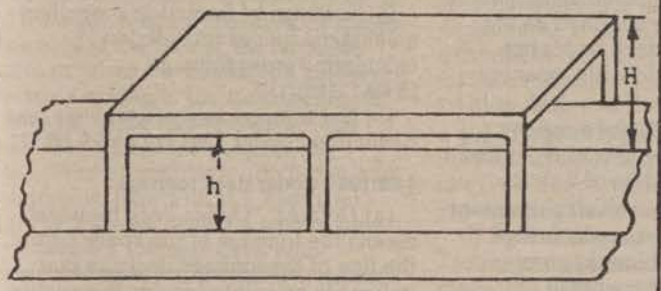


Figure 6



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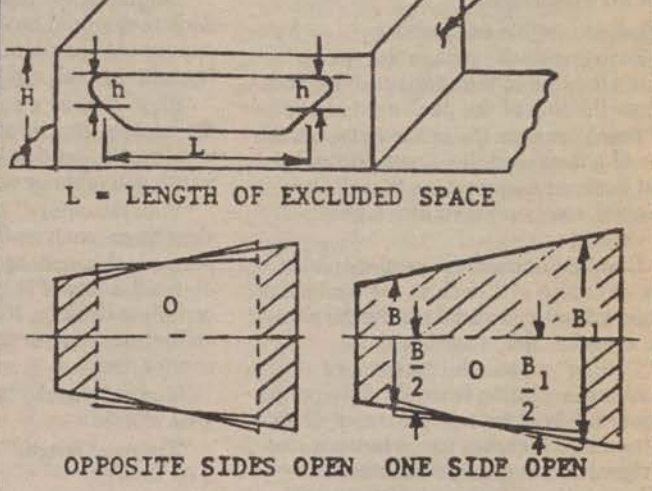

Figure 8

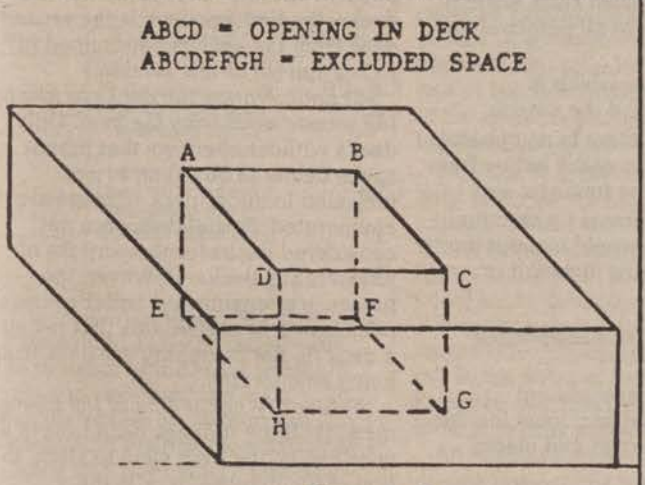

Figure 9

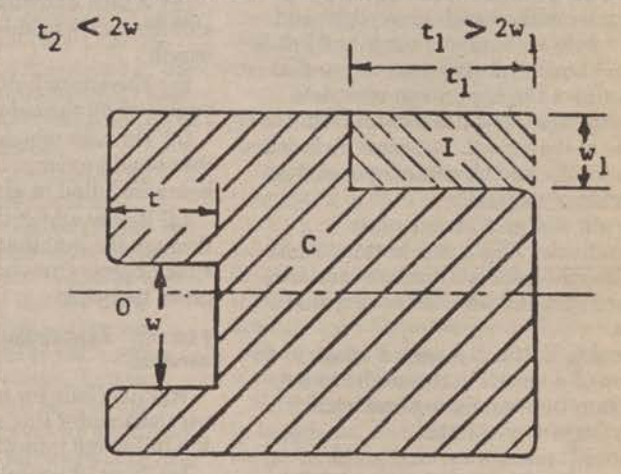

Figure 10

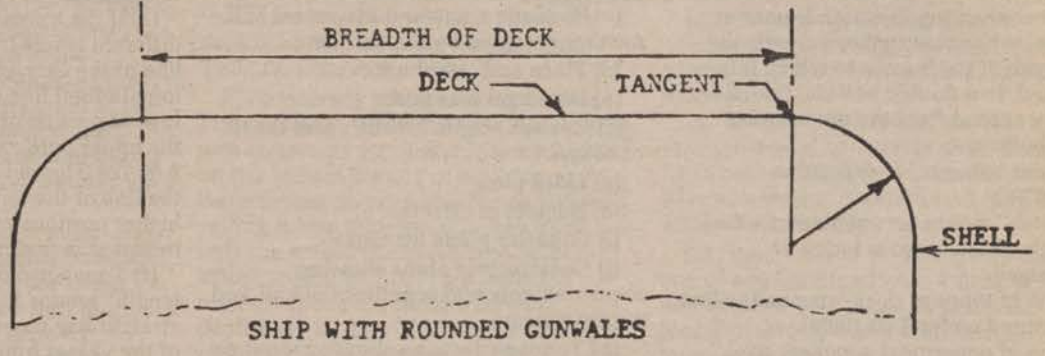

Figure 11

BILLING CODE 4910-14-C

Subpart C—Standard Measurement System

§ 69.101 Purpose.

This subpart prescribes the procedures for measuring a vessel under the Standard Measurement System described in 46 U.S.C. 14512.

§ 69.103 Definitions.

As used in this subpart—

"Between-deck" means the space above the line of the tonnage deck and below the line of the deck next above.

"Break" means the space between the line of a deck and the upper portion of that deck, in cases where that deck is stepped and continued at a higher elevation.

"Camber" means the perpendicular rise or crown of a deck at the centerline of the vessel measured above the skin of the vessel at the vessel's sides.

"Ceiling" means the permanent planking or plating fitted directly on the inboard side of frames, floors, or double bottom and includes cargo battens and refrigeration insulation but does not include false ceiling which stands off from the framing.

"Coaming" means both the vertical plating around a hatch or skylight and the sill below an opening in a bulkhead.

"Deckhouse" means a structure that is on or above the uppermost complete deck and that does not extend from side to side of the vessel. The term includes cabin trunks and closed-in spaces over the holds of vessels.

"Depth of frame" means the perpendicular depth of a bottom frame and the athwart distance between the inboard and outboard faces of a side frame.

"Double bottom" means a space at the bottom of a vessel between the inner and outer bottom plating and used solely for water ballast.

"Floor" means a vertical plate or timber extending from bilge to bilge in the bottom of a vessel. In a wooden vessel, "floor" means the lowermost timber connecting the main frames at the keel when that timber extends the full depth of the frames to which it is fastened. In a double bottom, floors usually extend from the outer to the inner bottom.

"Gross tonnage" is defined in § 69.107(a).

"Hatch" means an opening in a deck through which cargo is laden or discharged.

"Line of tonnage deck" means the line determined under § 69.109(e).

"Line of uppermost complete deck" means the line determined under § 69.111(b).

"Net tonnage" is defined in § 69.107(b).

"Registered breadth" is defined in § 69.53.

"Registered depth" means "molded depth" as defined in § 69.53.

"Registered length" is defined in § 69.53.

"Shelter deck" means the uppermost deck that would have qualified as the uppermost complete deck had it not been fitted with a middle line opening.

"Step" means a cutoff in a deck or in the bottom, top, or sides of a space resulting in varying heights of a deck or varying heights or widths of a space.

"Superstructure" means all permanent structures (such as forecastle, bridge, poop, deckhouse, and break) on or above the line of the uppermost complete deck or, if the vessel has a shelter deck, on or above the line of the shelter deck.

"Tonnage deck" is defined in § 69.109(c).

"Tonnage length" is defined in § 69.109(f).

"Uppermost complete deck" means the uppermost deck—

(a) Which extends from stem to stern and from side to side at all points of its length;

(b) The space below which is enclosed by the sides of the vessel;

(c) Through which there is no opening that would exempt the space below from being included in gross tonnage; and

(d) Below which there is no opening through the hull that would exempt the space below from being included in gross tonnage.

§ 69.105 Application for measurement services.

Applications for measurement services under this subpart must include the following information and plans:

(a) Type of vessel.

(b) Vessel name, official number, and intended port of documentation.

(c) Builder's name and the vessel hull number assigned by the builder.

(d) Place and year built.

(e) Date keel was laid.

(f) Overall length, breadth, and depth of vessel.

(g) Lines plan.

(h) Booklet of offsets.

(i) Capacity plans for tanks.

(j) Construction plans showing measurements and scantlings of hull and superstructure.

(k) Tonnage drawing showing tonnage length in profile and tonnage sections.

(l) Arrangement plans.

§69.107 Gross and net tonnages.

(a) Gross tonnage is the sum of the following tonnages, less certain spaces exempt under § 69.117:

(1) Under-deck tonnage (§ 69.109).

(2) Between-deck tonnage (§ 69.111).

(3) Superstructure tonnage (§ 69.113).

(4) Excess hatchway tonnage (§ 69.115(c)).

(5) Tonnage of framed-in propelling machinery spaces included in calculating gross tonnage (§ 69.121(d)(1)).

(b) Net tonnage is gross tonnage less deductions under § 69.119 and § 69.121.

§ 69.109 Under-deck tonnage.

(a) *Defined.* "Under-deck tonnage" means the tonnage of the space below the line of the tonnage deck, as that volume is calculated under this section.

(b) *Method of calculating tonnage.* Under-deck tonnage is calculated by applying Simpson's first rule using the tonnage length and the areas of the transverse sections prescribed by this section.

(c) *Identifying the tonnage deck.* In vessels with two or less decks, the tonnage deck is the uppermost complete deck. In vessels with more than two decks, the tonnage deck is the second deck from the keel as determined in paragraph (d) of this section.

(d) *Enumerating the decks to identify the second deck from the keel.* Only decks without openings that permit space below to be exempt from inclusion in under-deck tonnage are enumerated. Partial decks are not considered decks for the purpose of enumerating decks. However, the presence of engine and boiler casings, peak tanks, or cofferdams that penetrate a deck do not disqualify the deck from being enumerated.

(e) *Identifying the line of the tonnage deck.* (1) If the tonnage deck runs in a continuous line from stem to stern, the line of the tonnage deck is the longitudinal line at the underside of the tonnage deck.

(2) If the tonnage deck runs at different levels from stem to stern, the line of the tonnage deck is the longitudinal line of the underside of the lowest portion of that deck parallel with the upper portions of that deck. (See § 69.123, Figure 1 and 2.) Spaces between the line of the tonnage deck and the higher portions of that deck are not included in under-deck tonnage.

(f) *Tonnage length.* (1) "Tonnage length" means the length of a horizontal straight line measured at the centerline of the vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces of

the ordinary side frames to the point aft where the line of the tonnage deck intersects the inboard face of the transom frames or cant frames. (See § 69.123, Figure 3.)

(2) For a vessel having a headblock or square end with framing which extends from the tonnage deck to the bottom of the vessel, the tonnage length terminates on the inboard face of the head block or end framing. When a headblock extends inboard past the face of the end side frames or when the headblock plates are excessive in length, the tonnage length terminates at the extreme end of the vessel less a distance equal to the thickness of an ordinary side frame and shell plating. (See § 69.123, Figure 4.)

(3) For a vessel having a square bow or stern and a tonnage deck with camber, the effect of the camber on the tonnage length must be considered. The tonnage length must be measured below the tonnage deck at a distance equal to one-third of round camber and one-half of straight pitch camber.

(g) *Division of vessel into transverse sections.* (1) Except as under paragraph (m)(1)(iii) of this section, the tonnage length is divided into an even number of equal parts as indicated in the following table:

Class	Tonnage length	Divisions
1	50 ft. or less	6
2	Over 50 ft. but not exceeding 100 ft.	8
3	Over 100 ft. but not exceeding 150 ft.	10
4	Over 150 ft. but not exceeding 200 ft.	12
5	Over 200 ft. but not exceeding 250 ft.	14
6	Over 250 ft.	16

(2) Transverse sections are cut at each end of the tonnage length and at each point of division of the tonnage length. Intervals and one-third intervals between the points of division are measured to the nearest thousandth of a foot. (See § 69.123, Figures 5 and 6.)

(h) *Depths of transverse sections.* (1) Transverse section depths are measured at each point of division of the tonnage length at the centerline of the vessel from a point below the line of the tonnage deck equal to one-third of the camber or to one-half of the pitch of the beam down to the upper side of the ordinary frames, floors, longitudinals, or tank top of a cellular double bottom, as the case may be.

(2) When a depth falls at a point where the tank top of a double bottom rises from the centerline to the wings, the depth terminates at one-half the dead rise. (See § 69.123, Figure 8.)

(3) When a depth falls at a point where the tank top of a double bottom has a straight fall from centerline to the wings, the depth terminates at one-half the height of fall. (See § 69.123, Figure 9.)

(4) The depth at the midpoint of the tonnage length or, when a vessel is measured in parts, the depth at the midpoint of each part determines the number of equal parts into which each depth is divided, as follows:

(i) If the midpoint depth is 16 feet or less, each depth is divided into four equal parts. If the midpoint depth exceeds 16 feet, each depth is divided into six equal parts. (See § 69.123, Figure 7.)

(ii) The interval between the points of division of a depth and one-third intervals are carried to the nearest hundredth of a foot.

(i) *Breadths of transverse sections.* (1) Transverse section breadths are measured horizontally at each point of division of each depth and also at the upper and lower points of each depth. Breadths are measured to the inboard face of the ordinary frames or to the line of the ordinary frames. Breadths are measured parallel to each other and at right angle to the vessel's centerline. (See § 69.123, Figure 7.)

(2) Upper breadths are not reduced by measuring to deck-beam brackets. In cases of camber where an upper breadth passes through the deck (see § 69.123, Figure 7), the breadth is measured to the line of the side frames at the under side of the deck projected vertically up to the height of the upper breadth.

(3) Bottom breadths are measured only as far as the flat of the floor extends. (See § 69.123, Figures 7 and 10.) When bottom frames rise immediately from the flat keel, bottom breadths are equal to the breadth of the flat keel. Where there is no double bottom and where there is dead rise of the bottom out to the sides of the vessel, bottom breadths are equal to the part of the bottom plating not affected by dead rise.

(4) Bottom breadths falling in way of a double bottom, the top of which rises or falls from centerline to the wings, are measured between the inboard faces of the frame brackets which connect the double bottom with the frames. (See § 69.123, Figures 8 and 9.)

(j) *Measuring spaces having ceiling.* The maximum allowance for terminating measurements on ceiling is three inches on the bottom frames or tank top and three inches on each side frame. When ceiling is less than three inches thick, only the actual thickness is allowed. When ceiling is fitted on a platform directly above the bottom frames, depths are measured down through the platform to the upper side of the frames and the allowable ceiling on the platform is then deducted.

(k) *Area of transverse sections.* (1) A transverse section at an end of the tonnage length may not yield area, except in vessels (such as barges) with an upright bow or stern.

(2) The breadths of each transverse section are numbered from above, the upper being "1", the second down being "2", and so on to the lowest.

(3) Multiply the even numbered breadths by four and the odd numbered breadths by two, except for the first and last breadths, which are multiplied by one.

(4) Add together the products from paragraph (k)(3) of this section.

(5) Multiply the sum from paragraph (k)(4) of this section by one-third of the interval between the breadths. The product is the area of the transverse section.

(l) *Tonnage.* (1) Number the transverse sections successively "1", "2", and so forth, beginning at the bow.

(2) Multiply the area of the even numbered sections by four and the area of the odd numbered sections by two, except the first and last sections, which are multiplied by one.

(3) Add together the products from paragraph (l)(2) of this section and multiply the sum by one-third of the interval between the sections. The product is the volume under-deck.

(4) The volume under-deck is divided by 100 and is, subject to exemptions, the under-deck tonnage.

(m) *Steps in double bottom.* (1) The tonnage length of a vessel having a step exceeding six inches in height in its double bottom is divided into longitudinal parts at the step. Each part is subdivided as follows to determine the number of transverse sections:

(i) Parts 20 feet or under in length are divided into two equal parts.

(ii) Parts over 20 feet and under 40 feet in length are divided into four equal parts.

(iii) Parts 40 feet or over are divided as provided in paragraph (g)(1) of this section.

(2) The tonnage of each part is calculated separately. The sum of the tonnages of the parts is the under-deck tonnage.

(n) *Outside shaft tunnel exclusion.* Any portion of an outside shaft tunnel included in tonnage through the process of measurement is subtracted from the under-deck tonnage.

(o) Open vessels. (1) An open vessel is one of any length without a deck or with one or more partial decks, the total length of which is less than one-half the tonnage length.

(2) The line of the tonnage deck for an open vessel is the upper edge of the

upper strake. Depths of transverse sections are taken from this line.

(3) Any vessel, other than one having a mechanically refrigerated hold, that is not an open vessel and that has a tonnage length of less than 50 feet is measured as an open vessel, if the distance between the line of its tonnage deck and the upper edge of the upper strake is more than one-sixth of the midship depth. "Midship depth" means the depth measured from the line of the upper edge of the upper strake to the point in the bottom used for measuring tonnage depths.

§ 69.111 Between-deck tonnage.

(a) *Defined.* "Between-deck tonnage" means the tonnage of the space above the line of the tonnage deck and below the line of the uppermost complete deck.

(b) *Identifying the line of the uppermost complete deck.* (1) If the uppermost complete deck runs in a continuous line from stem to stern, the line of the uppermost complete deck is the longitudinal line of the underside of the uppermost complete deck.

(2) If the uppermost complete deck runs at different levels from stem to stern, the line of the uppermost complete deck is the longitudinal line of the underside of the lowest portion of that deck parallel with the upper portions of that deck. Spaces between the line of the uppermost complete deck and the higher portions of that deck are included in superstructure tonnage.

(c) *Method for calculating tonnage.* The tonnage of each level of the between-deck space is calculated separately, as follows:

(1) The length of each level is measured at the mid-height between the line of the deck above and the line of the deck below. Measure from the point forward where the continuation of the line of the inboard face of the normal side frames intersects the center line of the vessel aft to the forward face of the normal transom framing.

(2) Divide the length under paragraph (c)(1) of this section into the same number of equal parts into which the tonnage length is divided under § 69.109(g)(1).

(3) Measure at mid-height between the faces of the normal side frames the inside breadth of the space at each end and at each point of division of the length. Number the breadths successively "1", "2", and so forth, beginning at the bow.

(4) Multiply the even numbered breadths by four and the odd numbered breadths by two, except the first and last, which are multiplied by one.

(5) Add together the products under paragraph (c)(4) of this section and multiply the sum by one-third of the interval between the points at which the breadths are taken. The product is the square foot area of the space at mid height.

(6) Multiply the area of the space at mid-height by the average of the heights taken at each point of division of the space. The product divided by 100 is the tonnage of that space.

(7) The between-deck tonnage is the sum of the tonnage of each level within the between-deck space.

§ 69.113 Superstructure tonnage.

(a) *Defined.* "Superstructure tonnage" means the tonnage of all permanent structures, such as forecastle, bridge, poop, deckhouse, and break, on or above the line of the uppermost complete deck (or line of shelter deck, if applicable).

(b) *Method of calculating tonnage.* The tonnage of all structures on each level on or above the uppermost complete deck (or shelter deck, if applicable) is calculated separately as follows:

(1) The length of each structure is measured along its centerline at mid-height between the line of the inboard face of the framing on one end to the line of the inboard face of the framing on the other end. (See § 69.123, Figure 11.)

(2) Divide the length under paragraph (b)(1) of this section into an even number of equal parts most nearly equal to those into which the tonnage length is divided under § 69.109.

(3) Measure at mid-height the inside breadth at each end and at each point of division of the length. Number the breadths successively "1", "2", and so forth, beginning at the extreme forward end of the structure. If an end of the structure is in the form of a continuous arc or curve, the breadth at that end is one-half the nearest breadth. If an end is in the form of an arc or curve having a decided flat, the breadth at that end is two-thirds of the nearest breadth.

(4) Multiply the even numbered breadths by four and the odd numbered by two, except the first and last breadth, which are multiplied by one.

(5) Add together the products under paragraph (b)(4) of this section and multiply the sum by one-third of the interval between the points at which the breadths are taken. The product is the square foot area of the structure at mid-height.

(6) Multiply this area by the average of the heights taken at each point of division of the structure between its decks or the line of its decks. The product divided by 100 is the tonnage of that structure.

(c) A structure having steps in its deck or side must be measured in parts.

(d) The superstructure tonnage is the sum of tonnages of each level above the line of the uppermost complete deck (or shelter deck, if applicable).

(e) When a structure is located over a cut-away portion of the tonnage deck, the structure's height is measured from the under side of its overhead deck to the line of the tonnage deck. If the tonnage deck has no camber, allow for camber in the overhead deck.

(f) For structures of a standard geometric shape, a simple geometric formula that yields an accurate volume may be used.

§ 69.115 Excess hatchway tonnage.

(a) Hatchways that are above the tonnage deck and are either open to the weather or within open structures are measured to determine excess hatchway tonnage. Hatchways that are in between-deck spaces, on decks within closed-in structures, or on open structures are not measured.

(b) The tonnage of a hatchway is its length times breadth times mean depth divided by 100. Mean depth is measured from the under side of the hatch cover to the top of the deck beam.

(c) From the sum of the tonnage of the hatchways under this section, subtract one-half of one percent of the vessel's gross tonnage exclusive of the hatchway tonnage. The remainder is added as excess hatchway tonnage in calculating gross tonnage.

§ 69.117 Spaces exempt from inclusion in gross tonnage.

(a) *Purpose.* This section lists spaces which are exempt from inclusion in gross tonnage.

(b) *Spaces on or above the line of the uppermost complete deck.* The following spaces or portions of spaces on or above the line of the uppermost complete deck are exempt if the spaces or portions are reasonable in extent and adapted and used exclusively for the purpose indicated:

(1) Spaces for anchor gear, including capstan, windlass, and chain locker, are exempt.

(2) Companions and booby-hatches protecting stairways or ladderways leading to spaces below are exempt, whether or not the spaces below are exempt.

(3) Galley or other spaces fitted with a range or oven for cooking food to be consumed onboard the vessel are exempt.

(4) Spaces designed to provide light or air to propelling machinery are exempt, as follows:

(i) When propelling machinery is located entirely on or above the line of the uppermost complete deck, the entire propelling machinery space and all fuel bunker spaces that are also located above that line are exempt as light or air spaces. (See exception in § 69.121(d)(1) for framed-in spaces.)

(ii) When part of the propelling machinery projects above the line of the uppermost complete deck into a space used exclusively to provide light or air to the propelling machinery, the entire space is exempt as light or air space. When any portion of this space is used for purposes other than providing light or air, only the portion of the space used for light or air, the space occupied by the propelling machinery itself, and a propelling machinery working space allowance under § 69.121 limited to two feet, if available, on each side of the propelling machinery are exempt.

(iii) Any part of an escape shaft, or a companion sheltering an escape shaft, above the line of the uppermost complete deck is exempt as light or air space.

(iv) Space that would otherwise be exempt as a light or air space is not exempt when propelling machinery is boxed-in and does not extend abova the line of the uppermost complete deck. Any portion of the boxed-in space above the line of the uppermost complete deck is exempt.

(5) Skylights affording light or air to a space below, other than to propelling machinery spaces. Space immediately below the line of the deck on which a skylight is located is exempt only when there is an opening in the next lower deck directly below the skylight to permit light or air to an even lower deck.

(6) Machinery spaces, other than for propelling machinery under § 169.121.

(7) Spaces for steering gear.

(8) Water closet spaces that are fitted with at least a toilet and are intended for use by more than one person.

(9) The space in a wheelhouse necessary for controlling the vessel.

(c) *Passenger spaces.* (1) As used in this section, the term "passenger" includes officers and enlisted men on military vessels who are not assigned ship's duties and not entered on the ship's articles.

(2) As used in this section, "passenger space" means a space reserved exclusively for the use of passengers and includes, but is not limited to, berthing areas, staterooms, bathrooms, toilets, libraries, writing rooms, lounges, dining rooms, saloons, smoking rooms, and recreational rooms. The space need not be part of or adjacent to a berthing area to be considered a passenger space.

(3) A passenger space located on or above the first deck above the uppermost complete deck is exempt from gross tonnage.

(4) A passenger space located on the uppermost complete deck is exempt from gross tonnage only when it has no berthing accommodations and is an open structure under paragraph (d) of this section.

(d) *Open structures.* (1) Structures that are located on or above the line of the uppermost complete deck that are under cover (sheltered) but open to the weather are exempt from gross tonnage.

(2) A structure is considered "open to the weather" under paragraph (d)(1) of this section when an exterior end bulkhead of the structure is open and, except as provided in paragraph (d)(4) of this section, is not fitted with any means of closing. To be considered "open to the weather", the end bulkhead must not have a coaming height of more than two feet in way of any required opening and have one of the following:

(i) Two openings, each at least three feet wide and at least four feet high in the clear, one on each side of the centerline of the structure.

(ii) One opening at least four feet wide and at least five feet high in the clear.

(iii) One opening at least 20 square feet in the clear with a breadth in excess of four feet and a height of not less than three feet.

(3) A compartment within an open structure is considered open to the weather only when an interior bulkhead of that compartment has an opening or openings that meet the requirements for end bulkheads under paragraphs (d)(2)(i) through (d)(2)(iii) of this section. Other compartments within the structure are not considered open to the weather.

(4) An interior or exterior opening that is temporarily closed by shifting boards dropped into channel sections at the sides of the opening or by plates or boards held in place by hook bolts is considered open to the weather—

(i) If the hook bolts are spaced at least one foot apart and hook over a stiffener bar around the perimeter of the opening;

(ii) If the cover plates fay against the bulkhead;

(iii) If battening, caulking, or gaskets of any material are not used; and

(iv) If cleats, stud bolts, hinges, bolts through the bulkhead, or other attachments (other than hook bolts) that may be used in conjunction with the temporary cover as a means of closing the opening are not installed at the edge of opening. (See § 69.123, Figure 12.)

(5) A structure with its aft end entirely open from the under side of its overhead stiffeners down to the deck, to the line of the deck, or to a coaming not exceeding three inches in height and open athwartship between the inboard faces of the side stiffeners is considered open to the weather. The opening may be covered by a wire mesh screen or temporarily closed by canvas secured at the top and lashed or buttoned in place.

(e) *Open space between the shelter deck and the next lower deck.* (1) Space that is between the shelter deck and the next lower deck and that is under cover (sheltered) but open to the weather is exempt from gross tonnage when all openings in the uppermost complete deck are provided with a watertight means of closing.

(2) A space is considered "open to the weather" under paragraph (e)(1) of this section when the shelter deck above the space has a middle line opening which conforms to the following:

(i) The middle line opening must be at least four feet long in the clear and at least as wide as the after cargo hatch on the shelter deck, but not less than one-half the width of the vessel at the midpoint of the length of the opening. The opening may have rounded corners not exceeding a nine inch radius. When a greater radius is required by the Coast Guard or a Coast Guard recognized classification society under § 42.05-60 of this chapter, notification of that requirement must be submitted to the Commandant.

(ii) The middle line opening must be located so that the distance between the aft edge of the middle line opening and the vessel's stern is not less than one-twentieth of the tonnage length of the vessel and the distance between the fore edge of the opening and the vessel's stem is not less than one-fifth of the tonnage length of the vessel.

(iii) The middle line opening must not be within a structure of any type.

(iv) If the middle line opening is guarded by rails or stanchions, the rails and stanchions must not be used to secure or assist in securing a cover over the opening.

(v) The coaming of the middle line opening must not exceed one foot mean height above the shelter deck. Bolts must not pass through the stiffeners or flanges on the coaming, nor may there be any other attachments on the coaming for fastening a cover. Portable wood covers may be fitted over the middle line opening if held in place only by lashings fitted to the under side of the covers. Metal covers may be fitted if held in place only by hook bolts spaced not less than 18 inches apart that pass through the cover and hook over angle stiffeners or flanges fitted to the outside of the coaming.

(vi) The space below the middle line opening must have a minimum length of four feet throughout its entire breadth and height and be in the clear at all times.

(vii) A scupper having a five inch minimum inside diameter and fitted with a screw down non-return valve geared to and operated from the shelter deck must be fitted on each side of the upper deck in way of the middle line opening.

(3) When the shelter deck space forward or aft of the middle line opening is divided by interior bulkheads, only those compartments with at least two openings that progress to the middle line opening are considered "open to the weather" under paragraph (e)(1) of this section. Each required opening must be at least three feet wide and at least four feet high in the clear, must not have a coaming height of more than two feet, and must not be fitted (except as provided in paragraph (d)(4) of this section) with any means of closing. Other compartments within the shelter deck space are not considered "open to the weather" under paragraph (e)(1) of this section.

(f) *Water ballast spaces.* A space, regardless of location, adapted only for water ballast and not available for stores, supplies, fuel, or cargo (other than water to be used for underwater drilling, mining, and related rurposes, including production), upon request, may be exempt from gross tonnage if the following are met:

(1) The space must be available at all times only for water ballast that is piped through a system independent of other systems (except fire fighting and bilge suction systems). Pumps, pipes, and other equipment for loading and unloading water ballast must be of a size suitable for the efficient handling of the water ballast within a reasonable time frame. All manholes providing access to a water ballast space must be oval or circular and not greater than 34 inches in diameter. Except for those on a deck exposed to the weather, the manholes may have a coaming not exceeding six inches in height. Existing hatches over spaces being converted to water ballast spaces must have a watertight cover plate welded to the hatch and a manhole, as described in this paragraph, fitted in the plating.

(2) The primary purpose of the water ballast must be to afford a means of maintaining the vessel's stability, immersion, trim, pre-loading conditions, or seakeeping capabilities.

(3) If the space is in a vessel that is subject to inspection under 46 U.S.C. 3301, the space must be considered when determining the adequacy of the vessel's stability under 46 CFR Chapter I.

(4) If the total of all water ballast spaces to be exempted from gross tonnage exceeds 30% of the vessel's gross tonnage (excluding the water ballast spaces), a justification of the operating conditions that require the water ballast must be submitted to the measuring organization. The measuring organization reviews the submittal for completeness and, when complete, forwards the submittal to the Commandant for approval. Although a single condition may justify all water ballast spaces, several conditions may be necessary in other cases. However, a particular tank is not justified by a condition if another tank already justified by another condition could be used as effectively. The justification must—

(i) Designate the vessel's service;

(ii) Explain for what purpose under paragraph (f)(2) of this section the water ballast is being used;

(iii) Provide the calculations required in paragraphs (f)(4)(vi) through (f)(4)(ix) of this section for those uses on a form similar to Coast Guard Stability Test Form CG–993–9;

(iv) Include the capacity, tank arrangement, and piping plans for the vessel;

(v) Include a statement certifying that the spaces will be used exclusively for water ballast as prescribed by this section;

(vi) If water ballast is used for stability, describe each loading condition and the resultant metacentric height (GM) and include calculations;

(vii) If water ballast is used for immersion or trim, describe those conditions and include loading and trim calculations;

(viii) If water ballast is used for pre-loading, describe how it is used and include strength and weight calculations; and

(ix) If water ballast is used for seakeeping, describe each loading condition, GM, period of roll, and, if speed is involved, speed versus trim and draft and include calculations.

(5) If the water ballast space or its use, purpose, or piping are changed, the vessel owner or operator must report the change promptly to a measurement organization listed in § 69.15 for a determination as to whether a tonnage remeasurement is required.

(g) *Methods for measuring exempt spaces.* (1) If the exempt space is located within the superstructure, the exempt space is measured using the same procedures used to measure superstructure tonnage under § 69.113.

(2) If the exempt space is located between-deck, the space is measured using the same procedures used for between-deck tonnage under § 69.111(c), except that the length of the exempt space is divided into the even number of spaces most equal to the number of spaces into which the between-deck was divided.

(3) If the exempt space is located under-deck, the space is measured using the same procedures used for under-deck tonnage under § 69.109, except that the length of the exempt space is divided into the even number of spaces most equal to the number of spaces into which the under-deck was divided.

§ 69.119 Spaces deducted from gross tonnage.

(a) *Purpose.* This section lists the requirements for spaces (other than propelling machinery spaces under § 69.121) which, though included in calculating gross tonnage (i.e., are not exempt under § 69.117), are deducted from gross tonnage in deriving net tonnage.

(b) *General.* (1) A deductible space must be used exclusively for, and be reasonable in size for, its intended purpose.

(2) When a space is larger than necessary for the safe and efficient operation of deductible equipment, only the space occupied by the equipment plus a two foot maximum working space on each side of the equipment, if available, is deductible.

(3) Space specified in this section may be located anywhere within the vessel, unless otherwise specified.

(c) *Anchor gear.* A space below the line of the uppermost complete deck occupied by the anchor gear, capstan, windlass, and chain locker is deductible. A fore peak used exclusively as chain locker is measured by the method prescribed under § 69.117(g)(3).

(d) *Boatswain's stores.* A space containing oils, blocks, hawsers, rigging, deck gear, or other boatswain's stores for daily use is deductible. The maximum deduction allowed for vessels less than 100 gross tons is one ton and, for vessels 100 gross tons or over, is one percent of the gross tonnage, not to exceed 100 tons.

(e) *Chart room.* A space for keeping charts and nautical instruments and for plotting the vessel's course is deductible. For a combined wheelhouse and chart room, that part not exempted as wheelhouse under § 69.117(b)(9) is deductible. For small vessels in which the only space for a chart room is in a cabin or saloon, one half the space not

to exceed 1.5 tons is deductible as chart room.

(f) *Donkey engine and boiler.* Donkey engine and boiler space is deductible when connected with the main (non-cargo) pumps of the vessel, except as follows:

(1) If the space is within the engine room or within the casing above the engine room and if the donkey engine is an auxiliary to the main propelling machinery, the space is an engine room deduction under § 69.121(b).

(2) If the space is above the line of the uppermost complete deck and if the donkey engine is not an auxiliary to the main propelling machinery, the space is exempt under § 69.117(b).

(g) *Spaces for the exclusive use of officers or crew.* (1) The following spaces, regardless of their location (unless otherwise noted), are deductible if not used by passengers:

(i) Sleeping rooms.

(ii) Bathrooms with a bath tub or shower but without a water closet.

(iii) Water closets below the line of the uppermost complete deck serving more than one person, with or without a bath tub or shower. Water closets, regardless of location, that serve only one person or that are accessible only through a stateroom or bedroom serving one person are considered as part of the space they serve and are deductible only if that space is deductible.

(iv) Clothes drying rooms.

(v) Drinking water filtration or distilling plant below the line of the uppermost complete deck.

(vi) Hospitals.

(vii) Mess rooms.

(viii) Office of the chief engineer.

(ix) Oil skin lockers.

(x) Pantries.

(xi) Recreation rooms.

(xii) Smoking rooms.

(xiii) Galleys below the line of the uppermost complete deck.

(2) Shops for engineers, carpenters, plumbers, or butchers and offices for clerks, pursers, or postmasters are not deductible, wherever located.

(h) *Master's cabin.* The master's sleeping room, dressing room, bathroom, observation room, reception room, sitting room, water closet, and office are deductible.

(i) *Radio room.* Spaces in which radio apoaratus is installed and messages are sent and received and which may provide off-duty operator accommodations are deductible.

(j) *Steering gear.* Spaces for steering gear below the line of the uppermost complete deck are deductible.

(k) *Generators.* Spaces for generators below the line of the uppermost complete deck are deductible regardless of what space the generators serve. These spaces may include other equipment necessary for the generator's operation.

(l) *Pump room.* Spaces below the line of the uppermost complete deck containing pumps that are not capable of handling cargo and that are not fuel oil transfer pumps considered part of the propelling machinery under § 69.121(b)(2)(v) are deductible.

(m) *Sail stowage.* A space for stowing sails on a vessel propelled only by sails is deductible up to two and one half percent of the vessel's gross tonnage.

(n) *Waste material space.* (1) A tank or collection space, regardless of location, used for the carriage or collection of sewage, garbage, galley waste, trash, slop-oil mixture, tank cleaning residue, bilge residue, or other waste material generated aboard the vessel is deductible.

(2) Space below the line of the uppermost complete deck used exclusively to separate, clarify, purify, or otherwise process waste material generated aboard the vessel is deductible.

(o) *Passageways.* A passageway or companionway is deductible—

(1) If it serves deductible spaces only; or

(2) If it serves deductible spaces and is also the sole means of access to one of the following non-deductible spaces:

(i) Lockers of less than two tons each, containing medicine, linen, mops, or other items for the free use of the crew.

(ii) A ship's office.

(iii) Spare rooms (not exceeding two) used by a pilot, customs officer, reserve engineer, or employee or agent of the vessel's owner or operator.

(p) *Markings for deductible spaces.* (1) Each space deducted under this section must be marked with the words "Certified_____" (inserting the space designation, such as "Seaman", "Generator", "Office of Chief Engineer", "Hospital", or "Anchor Gear"). If a deductible space berths more than one crew member, the marking must indicate the number of crew members berthed, such as "Certified_____Seamen" (inserting the number of crew).

(2) The abbreviations "Cert." for "certified" and "W.C." for "water closet" may be used.

(3) The markings must be in Roman letters and Arabic numerals at least 1/2 inch in height, must be painted in a light color on a dark background, must be embossed, center-punched, carved, or permanently cut in a bulkhead or metal plate, and must be placed in a legible location over a doorway on the inside of the space. A metal plate, if used, must be permanently fastened in place by welding, riveting, lock screws, or a Coast Guard-approved bonding agent.

(q) *Method for measuring deductible spaces.* (1) A rectangular space must be measured by taking the product of its length, breadth, and height.

(2) A space with curved sides on or above the tonnage deck is measured according to § 69.109.

(3) Spaces less than 15 feet in length may be measured by any practical method.

(4) Spaces below the tonnage deck exceeding 15 feet in length and bounded by a curved surface conforming to the side of the vessel must be measured by the formula used for measuring the superstructure under § 69.113.

(5) The height of a space located on a platform in the hull must be measured from the top of the bottom hull frames, if the platform is used only to form a flat surface at the bottom of the space, if the platform is not more than one foot above the top of the bottom frames, and if the space below the platform is not usable.

(6) The height of a space is measured through any ceiling, paneling, false overhead, or other covering, to the space's structural boundary, unless the space enclosed by the covering is available for a non-deductible use.

§ 69.121 Engine room deduction.

(a) *General.* The engine room deduction is either a percentage of the vessel's total propelling machinery spaces or a percentage of the vessel's gross tonnage.

(b) *Propelling machinery spaces.* (1) Propelling machinery spaces are the spaces occupied by the main propelling machinery and auxiliary machinery and spaces reasonably necessary for the operation and maintenance of the machinery. Propelling machinery spaces do not include spaces for fuel tanks, spaces exempt from gross tonnage under § 69.117, and spaces not used or not available for use in connection with the propelling machinery.

(2) Propelling machinery spaces are—

(i) Space below the crown. The crown is the top of the main space of the engine room to which the heights of the main space are taken. The crown is either the underside of a deck or, if the side bulkheads are sloping, the uppermost point at which the slope terminates. (See § 69.123, Figures 13 and 14.)

(ii) Framed-in space located between the crown and the uppermost complete deck and used for propelling machinery or for the admission of light or air to propelling machinery spaces. (See § 69.123, Figures 13 and 14.)

(iii) Shaft tunnel space and thrust block recess space.

(iv) Space below the uppermost complete deck used for escape shafts or trunked ladderways leading from the aft end of the shaft tunnel to the deck above.

(v) Space containing a fuel oil transfer pump located in a separate space and not used for bunkering the vessel. When the pump serves both ballast and fuel oil, only one-half of the pump's space is considered a propelling machinery space.

(vi) Spaces containing fuel oil settling tanks used solely for the main boilers. The space must not exceed one percent of the vessel's gross tonnage.

(vii) Spaces for engineers' stores and workshops located below the uppermost complete deck and either open to a propelling machinery space or separated from a propelling machinery space only by a screen bulkhead. The space must not exceed three-quarters of one percent of the vessel's gross tonnage.

(viii) Framed-in space located above the line of the uppermost complete deck and used for propelling machinery or for the admission of light or air to a propelling machinery space, when requested under paragraph (d) of this section.

(ix) If the propelling machinery is boxed-in below the tonnage deck, the boxed-in space plus the spaces outside of the boxing for the shaft, auxiliary engines, and related propelling machinery. If a portion of the boxed-in space extends above a platform or partial deck that is below the uppermost complete deck, that portion is also considered part of the propelling machinery space.

(c) Methods for measuring propelling machinery spaces. (1) If the propelling machinery space is bulkheaded off or is not larger than necessary for the safe operation and maintenance of the propelling machinery, the entire space, or, if bulkheaded off, the portion bulkheaded off, is measured for the engine room deduction.

(2) If the propelling machinery space is not bulkheaded off or is larger than necessary for the safe operation and maintenance of the propelling machinery only the space occupied by the propelling machinery itself plus a working space of two feet, if available, on each side of the propelling machinery is measured for the engine room deduction. If the working space overlaps another working space not related to the propelling machinery, only one-half of the overlapping working space is included in the propelling machinery space. The height of the working space is measured as provided in paragraph (c) of this section.

(3) If the propelling machinery is located in more than one space, each space must be measured separately.

(4) If the propelling machinery is located in a space with a step in the bottom or side lines, each stepped portion of the space must be measured separately.

(5) The length of a space under paragraph (c)(1) of this section is measured from the bulkhead just forward of the propelling machinery to the bulkhead just aft of the propelling machinery. The length of a space under paragraph (c)(2) of this section is measured from the forward edge of the working space to the aft edge of the working space.

(6) If the boundaries of the propelling machinery space form a rectangle, the product of the length, breadth, and height, divided by 100, is the tonnage of the space.

(7) If the boundaries of the propelling machinery space are continuous fair lines, heights are measured at the fore and aft ends and at the center of the space from the bottom frames, floors, or tank top of a double bottom up to the line of the crown. A breadth is measured at half-height of each height. The product of the length, mean breadth, and mean height, divided by 100, is the tonnage of the space.

(8) If the propelling machinery space is in the aft end of the hull, extends from aide to side of the hull, and has a continuous bottom line, the length of the space is divided into the even number of equal parts most nearly equal to the number of parts that the tonnage length under § 69.109(g) was divided. The tonnage is then calculated by the same method used for calculating the under-deck tonnage in § 69.109(1).

(9) The tonnage of a framed-in space located between the crown and the uppermost complete deck and used for propelling machinery or for the admission of light or air to the propelling machinery space, is the product of its length, breadth, and height, divided by 100.

(10) The tonnage of a shaft tunnel, or a thrust block recess, having a flat top is the product of its length, breadth, and height, divided by 100. If the shaft tunnel or thrust block recess top is not flat, the space above must be calculated by using the appropriate geometrical formula. If the space aft of the shaft tunnel extends from side to side of the vessel, the tonnage of the space is found by the formula for measuring peak tanks in § 69.109(1).

(11) The length and breadth of the space for a shaft tunnel, or a thrust block recess, when not cased is that which is necessary for maintenance of the shaft. The height allowed for thrust block recess space must not exceed seven feet. The mean height allowed for the shaft tunnel space must not exceed six feet. In a multi-screw vessel where the shaft tunnel or thrust block recess space is open from side to side, measure only the space used for purposes of propelling the vessel.

(12) When the propelling machinery is on a bed at the vessel's bottom, the height of the propelling machinery space is measured from the top of the bottom frames or floors.

(d) *Request to treat certain framed-in engine room spaces as part of a propelling machinery space.* (1) Under § 69.117(b)(4), framed-in spaces located above the line of the uppermost complete deck and used for propelling machinery or for admitting light or air to a propelling machinery space are exempt from inclusion in gross tonnage. However, upon written request to a measurement organization listed in § 69.15, the vessel owner may elect to have these spaces included in calculating gross tonnage, then deducted from gross tonnage as propelling machinery spaces under paragraph (b)(2)(viii) of this section.

(2) The framed-in space must be safe, seaworthy, and used only for propelling machinery or for the admission of light or air to the propelling machinery space. The length of the space must not exceed the length of the propelling machinery space and the breadth must not exceed one half of the extreme inside midship breadth of the vessel. Portions of the framed-in space that are plated over are not included in the propelling machinery space.

(3) To exercise the option in paragraph (d)(1) of this section, all of the framed-in space need not be treated as propelling machinery space, but only that portion required to entitle the vessel to have 32 percent of its gross tonnage deducted as an engine room deduction under paragraph (e) of this section.

(e) *Calculating the engine room deduction.* (1) The engine room deduction is based on a percentage of the vessel's gross tonnage or a percentage of the total propelling machinery space.

(2) For vessels propelled in whole or in part by screw,—

(i) If the total propelling machinery space is 13 percent or less of the vessel's gross tonnage, deduct 32/13 times the total propelling machinery space.

(ii) If the total propelling machinery space is more than 13 but less than 20 percent of the vessel's gross tonnage,

deduct 32 percent of the vessel's gross tonnage; or

(iii) If the total propelling machinery space is 20 percent or more of the vessel's gross tonnage, deduct either 32 percent of the vessel's gross tonnage or 1.75 times the total propelling machinery space, whichever the vessel's owner elects.

(3) For vessels propelled in whole or in part by paddle-wheel,

(i) If the total propelling machinery space is 20 percent or less of the vessel's gross tonnage, deduct 37/20 times the total propelling machinery space.

(ii) If the total propelling machinery space is more than 20 but less than 30 percent of the vessel's gross tonnage, deduct 37 percent of the vessel's gross tonnage; or

(iii) If the total propelling machinery space is 30 percent or more of the vessel's gross tonnage, deduct either 37 percent of the vessel's gross tonnage or 1.5 times the total propelling machinery space, whichever the vessel's owner elects.

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§ 69.123 Figures.

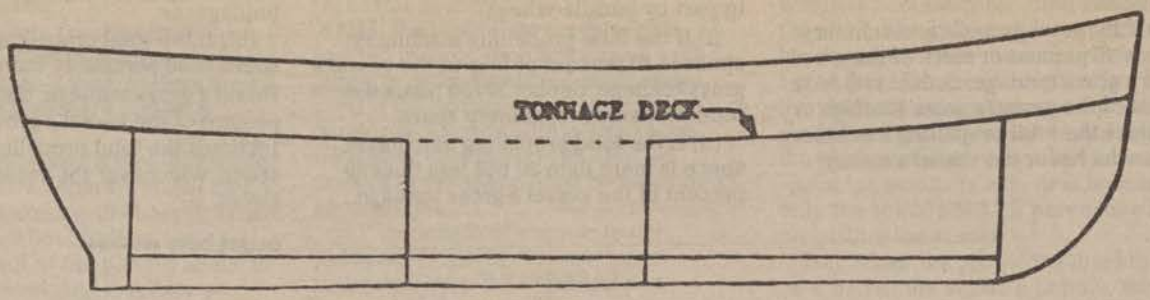


Figure 1

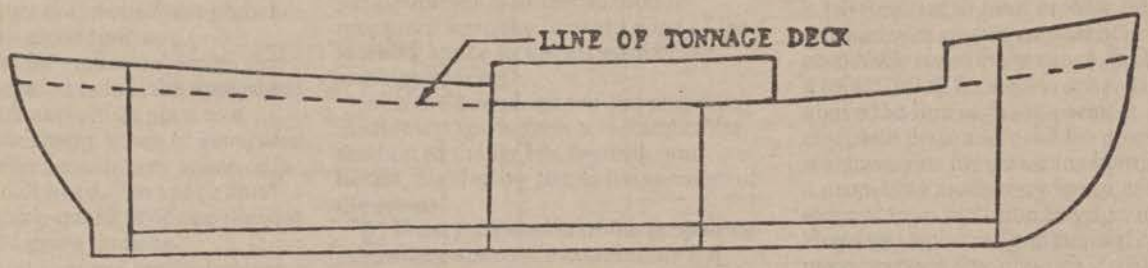
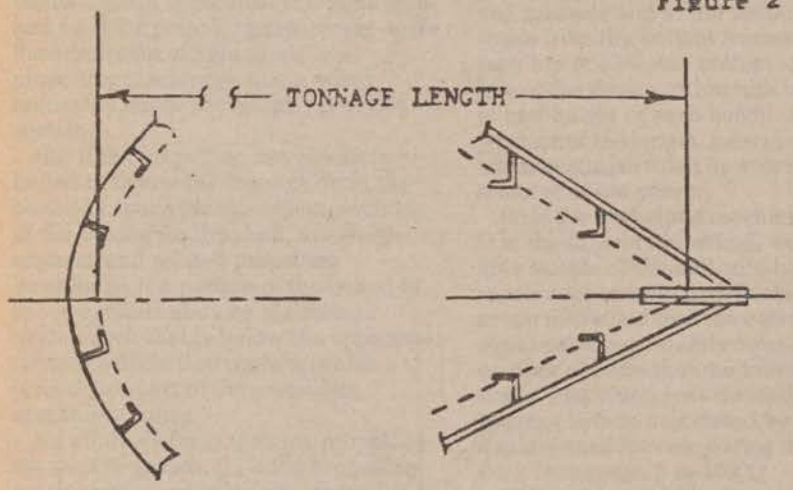


Figure 2



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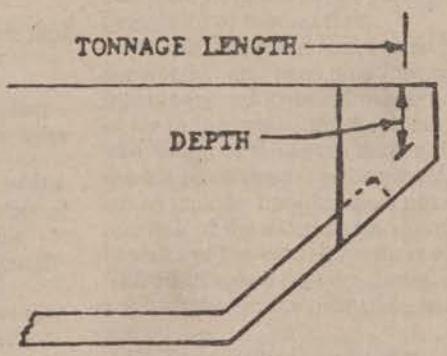
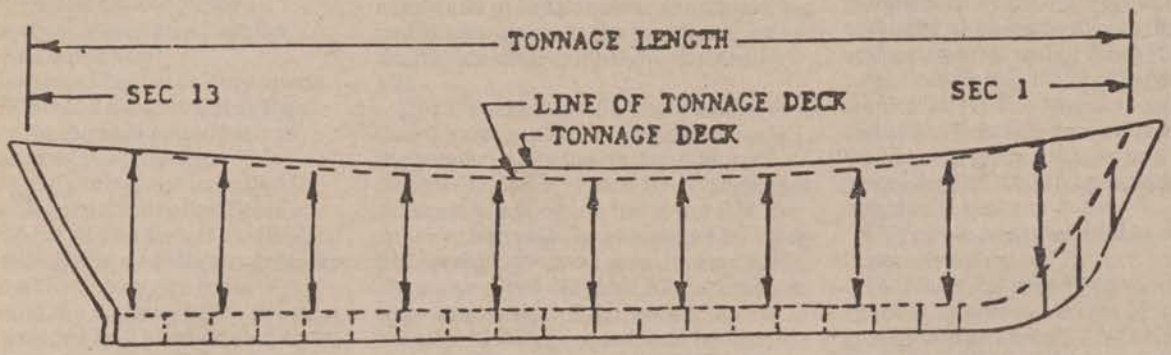


Figure 4



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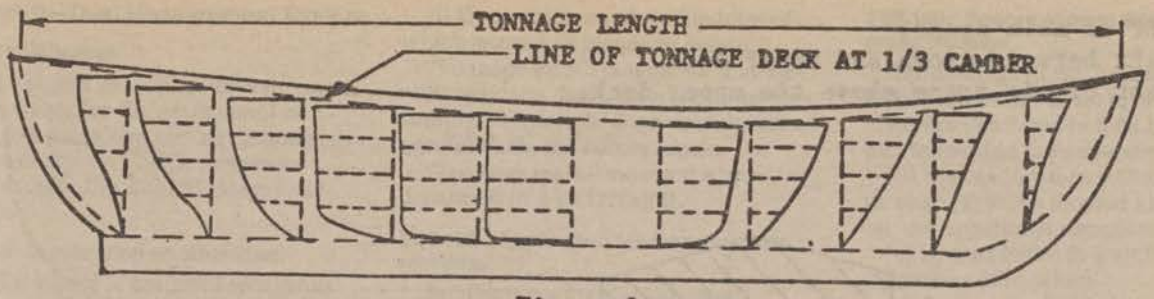

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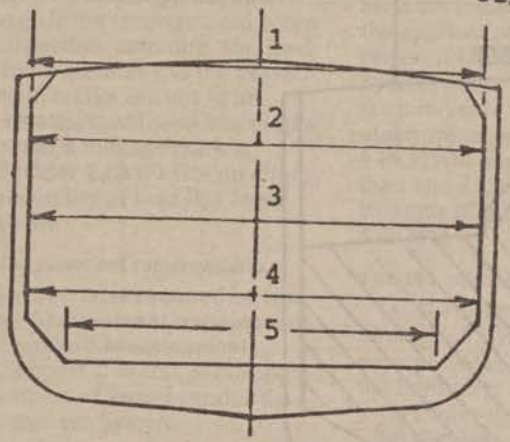

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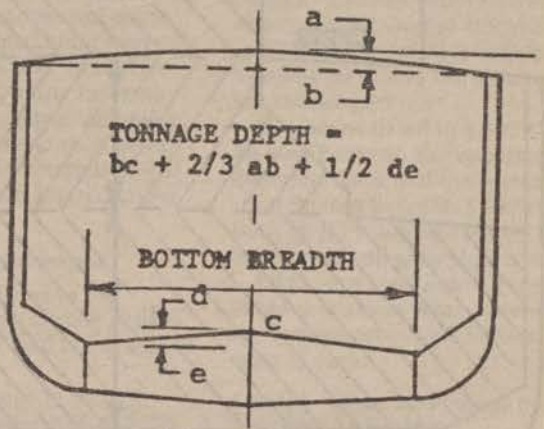

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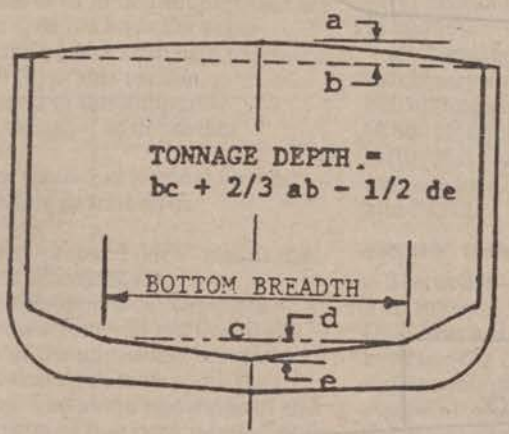

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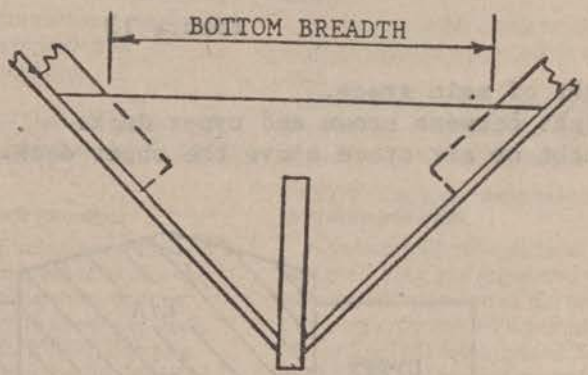

Figure 10

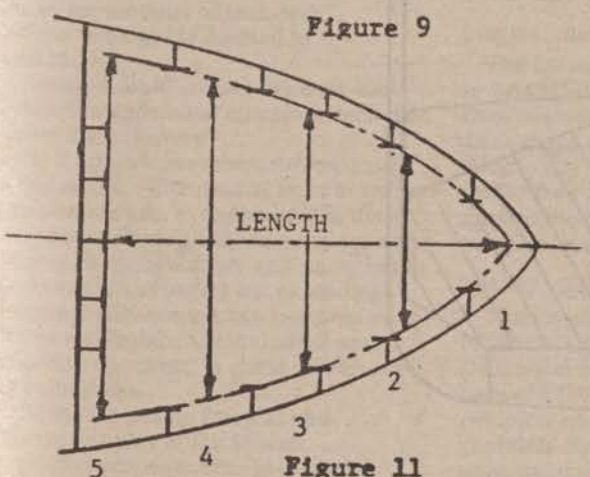

Figure 11

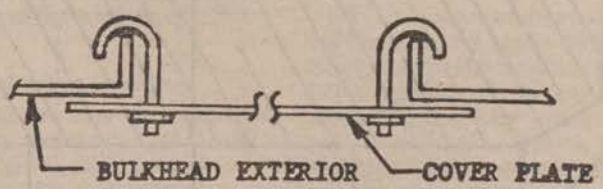

Figure 12

H = Height of main space.
H' = Height between crown and upper deck.
'/A = Light or air space above the upper deck.

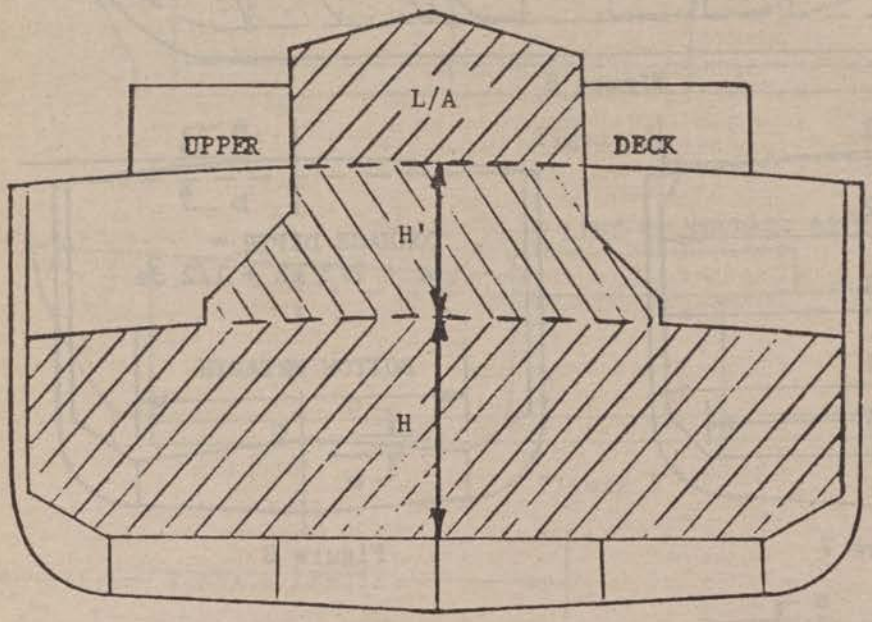

Figure 13

H = Height of main space.
H' = Height between crown and upper deck.
L/A = Light or air space above the upper deck.

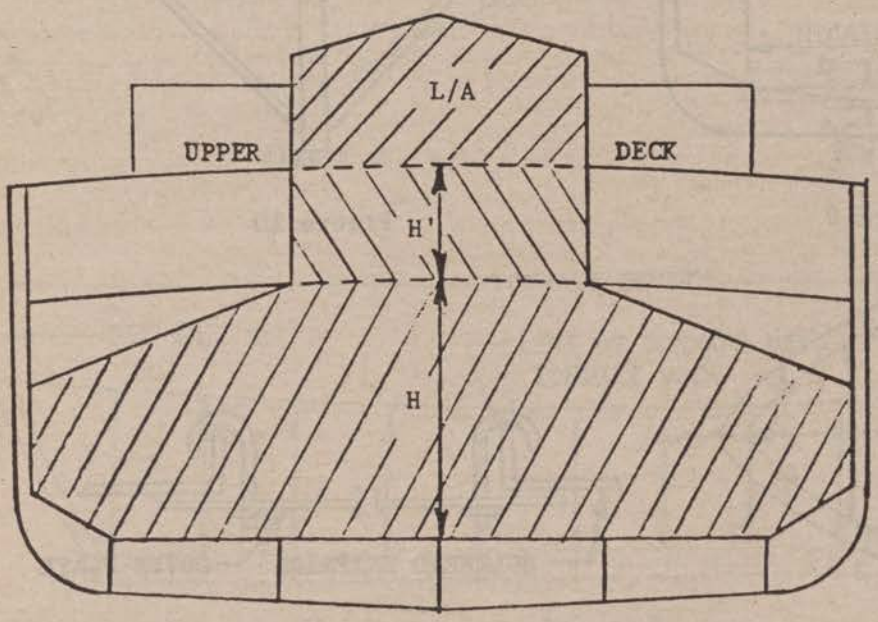

Figure 14

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Subpart D—Dual Measurement System

§ 69.151 Purpose.

This subpart prescribes measurement requirements for the assignment of either one gross and one net tonnage or two gross and two net tonnages to vessels under the Dual Measurement System.

§ 69.153 Application of other laws.

(a) If a vessel is assigned two gross tonnages under § 69.175(b), the higher gross tonnage is the tonnage used when applying inspection, manning, and load line laws and regulations to the vessel.

(b) Tonnage marks are not to be construed as additional load line marks. Whether or not a tonnage mark is submerged under § 69.171 has no effect on the applicability of load line laws and regulations.

§ 69.155 Measurement requirements.

Except as otherwise required by this subpart, the measurement requirements under the Standard Measurement System in Subpart C of this part apply to the measurement of vessels under the Dual Measurement System.

§ 69.157 Definitions.

(a) Terms used in this subpart that are defined in § 69.103 have the same meaning as in § 69.103, except as in paragraph (b) of this section.

(b) As used in this subpart—

"Gross tonnage" is defined in § 69.161(a).

"Line for fresh and tropical waters" means the line described in § 69.177(b)(2).

"Line of the second deck" means the line described in § 69.181.

"Line of the uppermost complete deck" means a longitudinal line at the underside of the uppermost complete deck or, if that deck is stepped, the longitudinal line of the underside of the lowest portion of that deck parallel with the upper portions of that deck.

"Net tonnage" is defined in § 69.161(b).

"Second deck" means the next deck below the uppermost complete deck that meets the following:

(1) Is continuous athwartships and in a fore-and-aft direction at least between peak bulkheads, even though the deck may have interruptions or openings due to propelling machinery spaces, to hatch and ventilation trunks not extending longitudinally completely between main transverse bulkheads, to ladder and stairway openings, to chain lockers, or to cofferdams.

(2) Is fitted as an integral and permanent part of the vessel.

(3) Has proper covers to all main hatchways.

(4) Does not have steps the total of which exceed 48 inches in height.

"Tonnage deck" means, for a vessel with only one deck, the uppermost complete deck and, for a vessel with a second deck, the second deck.

"Tonnage mark" means the line described in § 69.177(a)(2).

§ 69.159 Application for measurement services.

Applications for measurement services under this subpart must include the application information and plans required for the Standard Measurement System under § 69.105. The application must indicate whether a line for fresh and tropical waters is requested under § 69.177(b) and, for vessels with more than one deck, indicate whether one or two sets of tonnages are desired under § 69.175.

§ 69.161 Gross and net tonnages.

(a) "Gross tonnage" means the tonnage of a vessel, less certain spaces exempt under § 69.169, and is the sum of the following:

(1) Under-deck tonnage (§ 69.163).

(2) Between-deck tonnage (§ 69.165).

(3) Superstructure tonnage (§ 69.167).

(4) Excess hatchway tonnage (§ 69.115).

(5) Tonnage of framed-in propelling machinery spaces included in calculating gross tonnage (§ 69.121(d)(1)).

(b) "Net tonnage" means gross tonnage less deductions under §§ 69.119 and 69.121.

§ 69.163 Under-deck tonnage.

The under-deck tonnage provisions in § 69.109 apply; except that, under the Dual Measurement System, spaces between the line of the tonnage deck and the tonnage deck itself due to a stepped tonnage deck are included in under-deck tonnage.

§ 69.165 Between-deck tonnage.

The between-deck tonnage provisions in § 69.111 apply, except that, under the Dual Measurement System, between-deck space extends from the tonnage deck to the uppermost complete deck, rather than from the line of the tonnage deck to the line of the uppermost complete deck.

§ 69.167 Superstructure tonnage.

The superstructure tonnage provisions in § 69.113 apply; except that, under the Dual Measurement System, spaces between the line of the uppermost complete deck and the uppermost complete deck itself due to a stepped uppermost complete deck are not included in the superstructure tonnage.

§ 69.169 Spaces exempt from inclusion in gross tonnage.

The tonnage of the following spaces is exempt from inclusion in gross tonnage:

(a) Spaces listed in § 69.117(b) when located within the superstructure.

(b) Spaces listed in § 69.117(c) (1) through (3) when located above, but not on, the uppermost complete deck.

(c) Spaces listed in § 69.117(f), regardless of location.

(d) Spaces available for carrying dry cargo and stores when located on or above the uppermost complete deck.

(e) When a vessel is assigned a tonnage mark and the tonnage mark is not submerged—

(1) Spaces listed in § 69.117(b) when located between the uppermost complete deck and the second deck;

(2) Spaces listed in § 69.117(c) (1) through (3) when located on the uppermost complete deck; and

(3) Spaces available for carrying dry cargo and stores when located between the uppermost complete deck and the second deck.

§ 69.171 When the tonnage mark is considered submerged.

For the purpose of this subpart, a tonnage mark is considered submerged when—

(a) In salt or brackish water, the upper edge of the tonnage mark is submerged; and

(b) In fresh or tropical water, the upper edge of the line for fresh and tropical waters is submerged.

§ 69.173 Tonnage assignments for vessels with only one deck.

A vessel without a second deck is assigned only one gross and one net tonnage. In calculating the gross tonnage, only the exemptions in § 69.169 (a) through (d) are allowed. Markings under § 69.177 are not permitted on these vessels.

§ 69.175 Tonnage assignments for vessels with a second deck.

(a) At the option of the vessel owner, a vessel having a second deck is assigned either two gross and two net tonnages or one gross and one net tonnage.

(b) If two gross and two net tonnages are assigned, the higher tonnages (i.e. those based only on exemptions under § 69.169(a) through (d)) are applicable when the upper edge of the tonnage mark is submerged and the lower tonnages (i.e. those based only on all exemptions under § 69.169) are applicable when the upper edge of the tonnage mark is not submerged.

(c) If only the low gross and low net tonnages, as calculated under paragraph

(b) of this section, are assigned, these tonnages are applicable at all times. On these vessels, the tonnage mark must be located in accordance with § 69.177(a)(6) at the level of the uppermost part of the load line grid.

§ 69.177 Markings.

(a) *Tonnage mark.* (1) All vessels with a second deck that are measured under the Dual Measurement System must have, on each side of the vessel, a tonnage mark, and an inverted triangle identifying the tonnage mark, as described and located under this section. (See the figure in § 69.183(a).) Vessels with only one deck are not assigned markings under this section.

(2) The tonnage mark is a horizontal line 15 inches long and one inch wide. The tonnage mark must be designated by a welded bead or other permanent mark 15 inches long placed along the top edge of the tonnage mark.

(3) Above the tonnage mark is placed an inverted equilateral triangle, each side of which is 12 inches long and one inch wide, with its apex touching the upper edge of the center of the tonnage mark.

(4) If the vessel has a load line mark, the longitudinal location of the center of the tonnage mark must be between 21 inches and six feet six inches aft of the vertical centerline of the load line ring. (See the 1, figures in § 69.183(b) and (c).) If the vessel does not have a load line mark, the center of the tonnage mark must be located amidships.

(5) Except as under paragraph (a)(6) of this section, the upper edge of the tonnage mark must be located below the line of the second deck at the distance indicated in Table 69.177(a)(5). (See the figure in § 69.183(b).)

Table 69.177(a)(5)— Minimum Distance in Inches Between the Tonnage Mark and the Line of the Second Deck

L (in feet)	L divided by D								
	12	13	14	15	16	17	18	19	20
220 and under	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
230	3.2	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
240	4.7	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
250	6.3	3.3	2.0	2.0	2.0	2.0	2.0	2.0	2.0
260	8.0	4.8	2.1	2.0	2.0	2.0	2.0	2.0	2.0
270	9.9	6.4	3.5	2.0	2.0	2.0	2.0	2.0	2.0
280	11.8	8.1	4.9	2.1	2.0	2.0	2.0	2.0	2.0
290	13.9	9.9	6.5	3.5	2.0	2.0	2.0	2.0	2.0
300	16.0	11.7	8.1	4.9	2.1	2.0	2.0	2.0	2.0
310	18.3	13.7	9.8	6.4	3.5	2.0	2.0	2.0	2.0
320	20.7	15.8	11.7	8.1	4.9	2.1	2.0	2.0	2.0
330	23.2	18.0	13.6	9.8	6.4	3.5	2.0	2.0	2.0
340	25.9	20.4	15.7	11.6	8.1	4.9	2.1	2.0	2.0
350	28.7	22.9	17.9	13.6	9.8	6.5	3.6	2.0	2.0
360	31.7	25.5	20.2	15.7	11.7	8.2	5.0	2.2	2.0
370	34.7	28.3	22.7	17.9	13.6	9.9	6.6	3.7	2.0
380	38.0	31.1	25.3	20.2	15.7	11.8	8.3	5.2	2.4
390	41.3	34.1	27.9	22.6	17.9	13.8	10.1	6.8	3.8
400	44.8	37.2	30.7	25.0	20.1	15.8	11.9	8.4	5.3
410	48.2	40.3	33.5	27.7	22.6	18.1	14.0	10.4	7.2
420	51.5	43.4	36.4	30.4	25.2	20.6	16.4	12.7	9.7
430	54.8	46.5	39.4	33.3	27.9	23.2	19.0	15.2	11.8
440	58.4	49.9	42.6	36.4	30.9	26.0	21.7	17.8	14.4
450	62.1	53.4	46.0	39.6	33.9	29.0	24.6	20.6	17.1
460	65.9	57.0	49.5	42.9	37.1	32.1	27.6	23.5	19.9
470	69.8	60.7	53.0	46.3	40.4	35.2	30.6	26.5	22.8
480	73.7	64.4	56.5	49.7	43.7	38.4	33.7	29.5	25.7
490	77.5	68.1	60.0	53.0	46.9	41.5	36.7	32.4	28.5
500	81.2	71.6	63.4	56.2	50.0	44.5	39.6	35.2	31.2
510	84.9	75.1	66.7	59.4	53.0	47.4	42.4	37.9	33.9
520	88.4	78.4	69.9	62.4	55.9	50.2	45.1	40.5	36.4
530	91.8	81.6	72.9	65.3	58.7	52.9	47.7	43.0	38.8
540	95.2	84.8	75.9	68.1	61.4	55.5	50.2	45.4	41.2
550	98.4	87.8	78.8	70.9	64.0	58.0	52.6	47.8	43.4
560	101.6	90.8	81.6	73.6	66.6	60.5	55.0	50.1	45.6
570	104.8	93.8	84.4	76.3	69.2	62.9	57.3	52.3	47.8
580	107.9	96.8	87.2	78.9	71.7	65.3	59.6	54.5	49.9
590	111.0	99.7	90.0	81.5	74.2	67.7	61.9	56.7	52.0
600	114.0	102.5	92.6	84.0	76.5	69.9	64.0	58.8	54.0
610	117.0	105.3	95.2	86.5	78.9	72.1	66.2	60.8	56.0
620	120.0	108.0	97.8	88.9	81.2	74.4	68.3	62.8	58.0
630	122.9	110.7	100.4	91.3	83.5	76.6	70.4	64.8	59.9
640	125.7	113.4	102.9	93.7	85.8	78.7	72.4	66.8	61.7
650	128.6	116.1	105.4	96.1	88.0	80.8	74.4	68.7	63.6
660	131.4	118.7	107.8	98.3	90.1	82.8	76.3	70.6	65.3
670	134.2	121.2	110.2	100.6	92.2	84.8	78.3	72.4	67.1
680	136.9	123.8	112.8	102.9	94.3	86.8	80.2	74.2	68.9
690	139.6	126.3	115.0	105.1	96.4	88.8	82.1	76.0	70.6
700	142.3	128.8	117.3	107.3	98.5	90.8	83.9	77.8	72.3
710	144.9	131.3	119.6	109.4	100.5	92.7	85.7	79.5	73.9
720	147.5	133.7	121.8	111.5	102.5	94.6	87.5	81.2	75.5
730	150.1	136.1	124.0	113.6	104.5	96.5	89.3	82.9	77.1
740	152.7	138.5	126.2	115.7	106.5	98.3	91.5	84.5	78.7
750	155.3	140.8	128.5	117.8	108.4	100.1	92.8	86.1	80.3
760	157.8	143.1	130.6	119.7	110.3	101.9	94.4	87.8	81.7
770	160.2	145.4	132.7	121.7	112.1	103.6	96.0	89.3	83.2
780	162.6	147.6	134.8	123.7	113.9	105.3	97.6	90.8	84.7
790	165.1	149.9	136.9	125.6	115.7	107.0	99.2	92.3	86.1

Table 69.177(a)(5)— Minimum Distance in Inches Between the Tonnage Mark and the Line of the Second Deck—Continued

L (in feet)	L divided by D								
	12	13	14	15	16	17	18	19	20
800	167.5	152.1	138.9	127.4	117.4	108.6	100.8	93.8	87.4

L=the length in feet of the line of the second deck at the centerline of the vessel from the inner surface of the frames at the vessel's stem to the inner surface of the frames at the vessel's stern.

D=The vertical distance in feet from the top of the flat keel of the vessel to the line of the second deck.

Example (1) For a vessel in which L=450 feet and L/D=15 feet, read down from the L/D column "15" and to the right on the column "450" to where the two columns intersect at 39.6. The tonnage mark must be located 39.6 inches below the line of the second deck.

Example (2) If L or L/D is an intermediate number, the distance "a" between the tonnage mark and the line of the second deck must be obtained by linear interpolation. For a vessel in which L=424.80 feet and L/D= 15.17:

L	Table L/D=15	Actual Table L/D=15.17	Table L/D=16
Table 420	30.4		25.2
Actual 424.80	r	a	s
Table 430	33.3		27.9

Interpolation:
r=30.4+0.48 (33.3−30.4)=31.79
s=25.2+0.48 (27.9−25.2)=26.50
a=r−0.17 (r−s)=31.79−0.17 (31.79−26.50)=30.89 inches

(6) For the following vessels with a load line mark, the upper edge of the tonnage mark must be located at the level of the uppermost part of the load line grid:

(i) Vessels assigned only one gross and one net tonnage under § 69.175(c).

(ii) Vessels for which a load line assigning authority certifies that the vessel's load line mark was located as though the second deck were the freeboard deck.

(b) *Line for fresh and tropical waters.* (1) Except as under paragraph (b)(4) of this section, a horizontal line for fresh and tropical waters may be assigned at the vessel owner's request.

(2) The line must be nine inches long and one inch wide and located above and to the left of the tonnage mark at a distance equal to one forty-eighth of the distance from the top of the flat keel to the tonnage mark. The tonnage mark and the line for fresh and tropical waters must be connected by a vertical line one inch wide. (See the figure in § 69.183(a).)

(3) The line for fresh and tropical waters must be designated by a welded bead or other permanent mark nine inches long placed along the upper edge of the line.

(4) For vessels with a load line mark, if the load line assigning authority certifies that the load line mark was located as though the second deck were the freeboard deck, a line for fresh and tropical waters must not be placed on the vessel.

(c) *Freeboard deck mark.* A vessel assigned two gross and two net tonnages which has more than one deck and no load line mark assigned must have a mark on each side of the vessel with the same dimensions and location as the freeboard deck line mark under § 42.13–20 of this chapter, except that the mark must be located directly above the tonnage mark.

(d) *The line of the second deck.* The line of the second deck must not be marked on the side of the vessel.

(e) *Color of markings.* All markings under this section must be maintained in either a light color on a dark background or a dark color on a light background.

§ 69.179 Certification of markings.

(a) Before a certificate of measurement is issued for a vessel requiring a tonnage mark, a certification by a measurement organization under § 69.15 that all markings meet the requirements of this subpart is required.

(b) The Coast Guard, at any time, may verify markings under this subpart.

§ 69.181 Locating the line of the second deck.

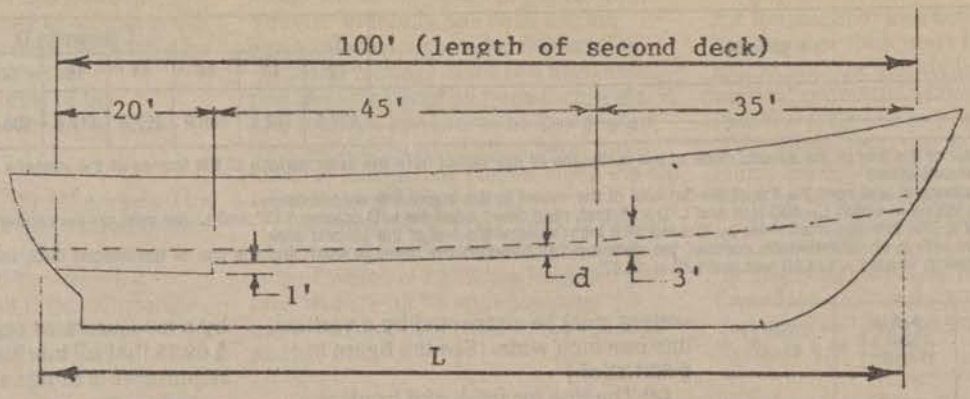
(a) If the second deck is not stepped, the line of the second deck is the longitudinal line of the underside of the second deck at the side of the hull.

(b) If the second deck is stepped (as in the examples following this paragraph), the line of the second deck is a longitudinal line extended parallel to each portion of the second deck and located at the height of the underside of the amidships portion of the second deck at the side of the hull—

(1) Plus, for each stepped portion of the second deck higher than the second deck at amidships, a distance equal to the length of the stepped portion divided by the total length of the second deck times the height that the step is above the height of the amidship portion of the second deck; and

(2) Minus, for each stepped portion of the second deck lower than the second deck at amidships, a distance equal to the length of the stepped portion divided by the total length of the second deck times the height that the amidship portion of the second deck is above the height of the step.

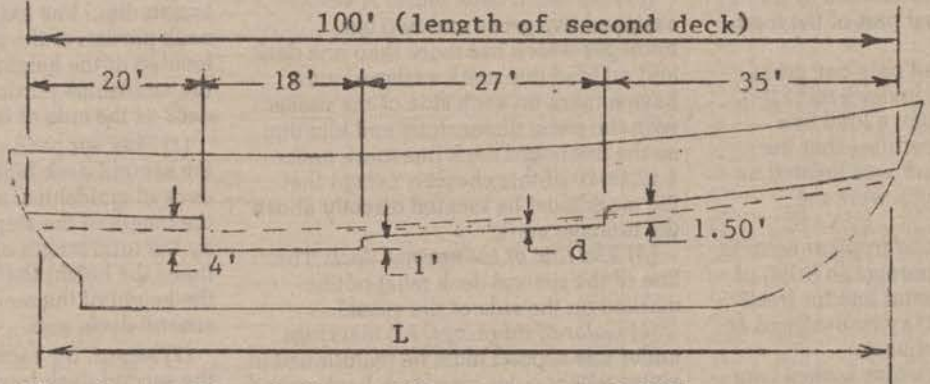
EXAMPLE: (1)



L = Length of the line of the second deck.
d = Distance from amidship portion of second deck to line of second deck.

$$d = \frac{35 \times 3}{100} - \frac{20 \times 1}{100} = +0.85 \text{ feet.}$$

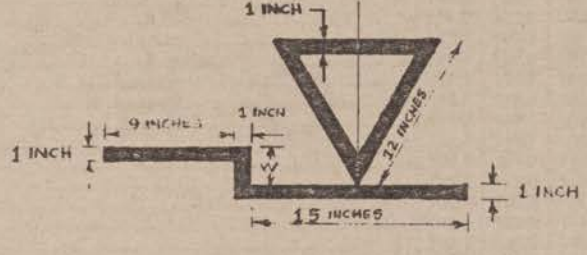
EXAMPLE: (2)



$$d = \frac{20 \times 3}{100} + \frac{35 \times 1.5}{100} - \frac{18 \times 1}{100} = +0.945 \text{ feet.}$$

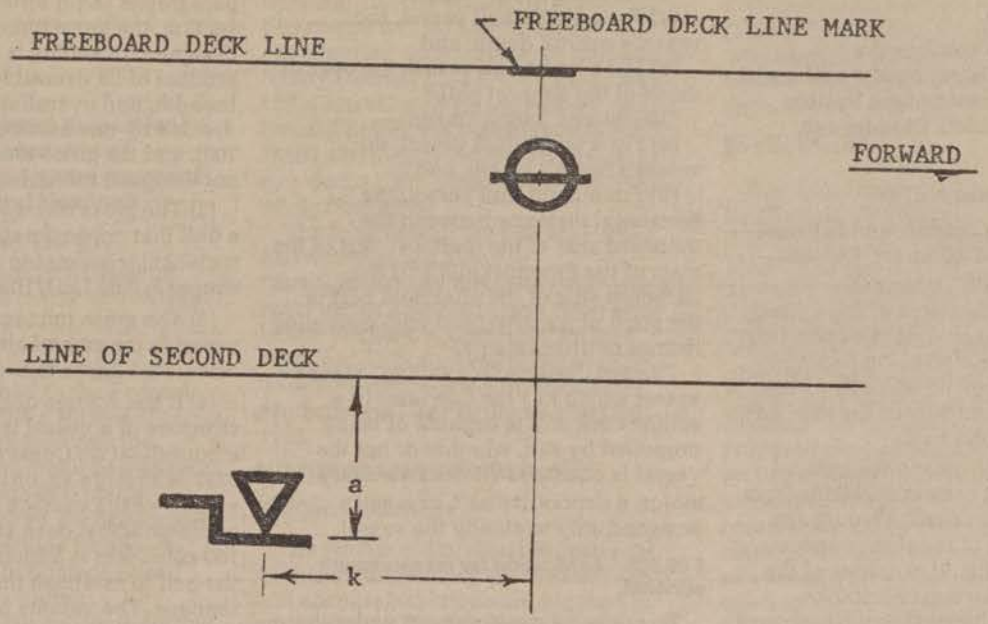
§ 69.183 Figures.

(a) *Tonnage mark with an equilateral triangle and a line for fresh and tropical waters.*



W=1/48 of the distance from the top of the flat keel to the tonnage mark. (See § 69.177(b)(2).)

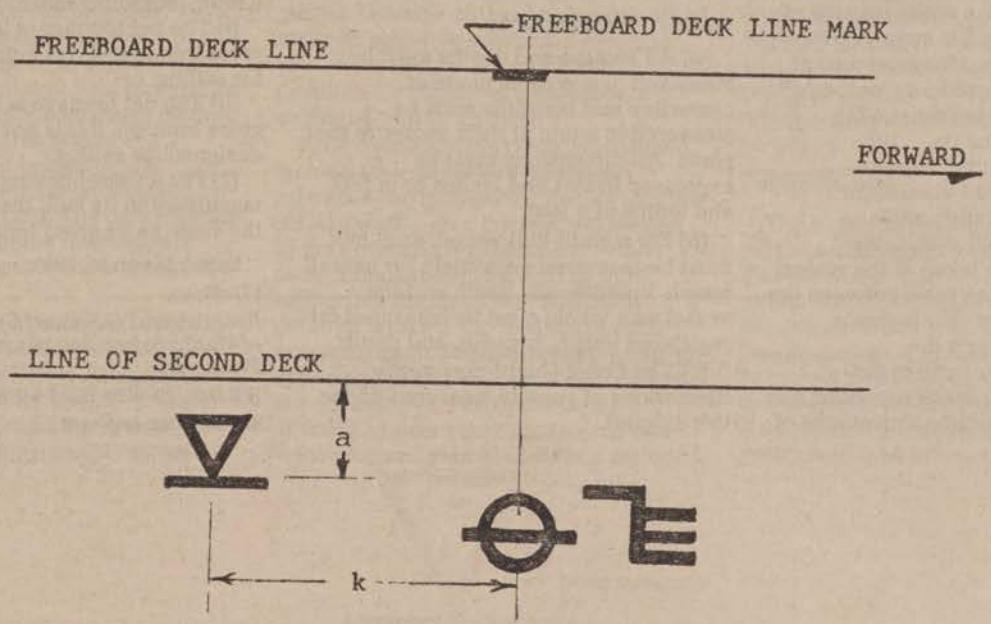
(b) *Tonnage mark location if the load line mark is not placed as though the second deck were the freeboard deck.*



k=a distance between 21 inches and six feet six inches.

a=distance derived from Table 69.177(a)(5).

(c) *Tonnage mark location if the load line mark is placed as though the second deck were the freeboard deck.*



k=a distance between 21 inches and six feet six inches.

a=the distance between the line of the second deck and the uppermost part of the load line grid.

Subpart E—Simplified Measurement System

§ 69.201 Purpose.

This subpart prescribes the procedures for measuring a vessel under the Simplified Measurement System described in 46 U.S.C. Chapter 145, Subchapter III.

§ 69.203 Definitions.

As used in this subpart and in Coast Guard Form CG–5397 under § 69.205—

"Overall breadth" means the horizontal distance taken at the widest part of the hull, excluding rub rails, from the outboard side of the skin (outside planking or plating) on one side of the hull to the outboard side of the skin on the other side of the hull.

"Overall depth" means the vertical distance taken at or near midships from a line drawn horizontally through the uppermost edges of the skin (outside planking or plating) at the sides of the hull (excluding the cap rail, trunks, cabins, and deckhouses) to the outboard face of the bottom skin of the hull, excluding the keel. For a vessel that is designed for sailing and has a keel faired to the hull, the keel is included in "overall depth" if the distance to the bottom skin of the hull cannot be determined reasonably.

"Overall length" means the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding rudders, outboard motor brackets, and other similar fittings and attachments.

"Registered breadth" means—

(a) For a single-hull vessel, the vessel's overall breadth; and

(b) For a multi-hull vessel, the horizontal distance taken at the widest part of the complete vessel between the outboard side of the skin (outside planking or plating) on the outboardmost side of one of the outboardmost hulls to the outboard side of the skin on the outboardmost side of the other outboardmost hull, excluding rubrails.

"Registered depth" means—

(a) For a single-hull vessel, the vessel's overall depth; and

(b) For a multi-hull vessel, the overall depth of the deepest hull.

"Registered length" means—

(a) For a single-hull vessel, the vessel's overall length; and

(b) For a multi-hull vessel, the horizontal distance between the outboard side of the foremost part of the stem of the foremost hull and the outboard side of the aftermost part of the stern of the aftermost hull, excluding fittings or attachments.

"Vessel designed for sailing" means a vessel which has the fine lines of a sailing craft and is capable of being propelled by sail, whether or not the vessel is equipped with an auxiliary motor, a decorative sail, or a sail designed only to steady the vessel.

§ 69.205 Application for measurement services.

To apply for measurement under the Simplified Measurement System, the owner of the vessel must complete the current issue of Coast Guard Form CG–5397 and submit the form to the Coast Guard Port of Documentation Office at the port where the vessel will be documented. (See Part 67, Appendix D, of this chapter for a list of these offices.)

§ 69.207 Measurements.

(a) All lengths and depths must be measured in a vertical plane at centerline and breadths must be measured in a line at right angles to that plane. All dimensions must be expressed in feet and inches or in feet and tenths of a foot.

(b) For a multi-hull vessel, each hull must be measured separately for overall length, breadth, and depth and the vessel as a whole must be measured for registered length, breadth, and depth.

(c) The Coast Guard may verify dimensions of vessels measured under this subpart.

§ 69.209 Calculation of tonnages.

(a) *Gross tonnage.* (1) Except as in paragraphs (a)(2) through (5) of this section, the gross tonnage of a vessel designed for sailing is one half of the product of its overall length, overall breadth, and overall depth (LBD) divided by one hundred (i.e., 0.50 LBD/100), and the gross tonnage of a vessel not designed for sailing is 0.67 LBD/100.

(2) The gross tonnage of a vessel with a hull that approximates in shape a rectangular geometric solid (barge-shape) is 0.84 LBD/100.

(3) The gross tonnage of a multi-hull vessel is the sum of all the hulls as calculated under this section.

(4) If the volume of the principal deck structure of a vessel that is indicated as a houseboat on Coast Guard Form CG–5397 is as large as, or larger than, the volume of the vessel's hull, the volume of the principal deck structure in tons of 100 cubic feet is added to the tonnage of the hull to establish the vessel's gross tonnage. The volume of the principal deck structure of a vessel is determined by the product of its average dimensions.

(5) If the overall depth of a vessel designed for sailing includes the keel, only 75 percent of that depth is used for gross tonnage calculations.

(b) *Net tonnage.* (1) For a vessel having propelling machinery in its hull—

(i) The net tonnage is 90 percent of its gross tonnage, if it is a vessel designed for sailing; or

(ii) The net tonnage is 80 percent of its gross tonnage, if it is not a vessel designed for sailing.

(2) For a vessel having no propelling machinery in its hull, the net tonnage is the same as its gross tonnage.

Dated: March 31, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

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46 CFR Parts 170, 171, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, and 185

[CGD 85-080]

RIN 2115-AC22

Small Passenger Vessel Inspection and Certification; Extension of Comment Period and Announcement of Public Meeting and Hearings

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; extension of comment period and notice of meeting and hearings.

SUMMARY: On January 30, 1989, the Coast Guard published in the **Federal Register** (54 FR 4412) a notice of proposed rulemaking to revise the regulations governing small passenger vessels (Title 46, Code of Federal Regulations, Subchapter T). Subchapter T contains the regulations for the inspection and certification of small passenger vessels including requirements for construction, outfitting of lifesaving and fire protection equipment, machinery and electrical installations, and operations. The term "small passenger vessel" generally includes any vessel of less than 100 gross tons carrying more than six passengers.

Because of requests for additional time to comment on the proposed rulemaking, the deadline for receipt of comments is extended to July 31, 1989.

The Coast Guard will hold one public meeting and six public hearings on this proposal on the dates and at the locations specified below.

DATES: Comments must be received on or before July 31, 1989. The dates for the public meeting and the hearings are listed in **SUPPLEMENTARY INFORMATION** below.

ADDRESSES: Written comments should be submitted to The Executive Secretary, Marine Safety Council (G-LRA-2/3600)(CGD 85-080), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. Comments may be delivered to and will be available for inspection or copying, and the materials referenced in this notice will be available for examination and copying, at the Marine Safety Council (G-LRA-2), Room 3600, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1477, between 8 a.m. and 3 p.m., Monday through Friday, except holidays.

The locations of the public meeting and hearings are listed in **"SUPPLEMENTARY INFORMATION"** below.

FOR FURTHER INFORMATION CONTACT: LCDR William P. Cummins, Project Manager, Office of Merchant Marine Safety, Security, and Environmental Protection, (G-MVI), phone (202) 267-1181.

SUPPLEMENTARY INFORMATION:

Written Comments

The Notice of Proposed Rulemaking published on January 30, 1989, invited and encouraged interested persons to participate in this proposed rulemaking by submitting written comments, including views, data, or arguments, on the proposal by May 31, 1989. Several persons requested an extension of the comment period citing the size of the rulemaking and the difficulty in studying and providing meaningful responses within the original 120 day comment period. Because of these requests and in order to schedule additional hearings also requested by the public, the deadline for receipt of comments is extended to July 31, 1989.

Persons submitting comments should include their name and address, reference the rulemaking docket number (CGD 85-080), give the specific section of the proposed regulations to which each comment applies, and include supporting documents or sufficient detail to indicate the reason for each comment. Both comments supporting or opposing specific proposed regulations are encouraged. Persons desiring an acknowledgment that their comments were received should include a stamped, self-addressed envelope or postcard. This proposal may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Public Meeting

The Coast Guard will hold a public meeting on the proposed rulemaking in Washington, DC, at 1:30 p.m. on Thursday, May 4, 1989. The location will be: U.S. Department of Transportation Headquarters, Nassif Building, Room 2230, 400 7th St. SW., Washington, DC.

The propose of the public meeting is to give the public an opportunity to ask questions on the intent of specific proposed requirements, ask questions on the methods of developing the costs associated with specific proposed requirements, and to request clarification of any of the requirements which may not be understood. The meeting will be conducted in an informal question and answer format. The questions which are raised will be addressed by a panel of Coast Guard technical personnel involved with the development of the rulemaking. Comments objecting to the proposed requirements, contesting cost estimates stated in the regulatory evaluation, or recommending alternative actions will not be accepted at the public meeting but may be made in writing before the end of the comment period or presented orally at a public hearing, the first of which will be held in Washington, DC on May 5, 1989.

Public Hearings

The Notice of Proposed Rulemaking published on January 30, 1989, stated that the Coast Guard planned to hold public hearings on this rulemaking in Washington, DC, New Orleans, LA, and San Francisco, CA. The Notice of Proposed Rulemaking also stated that hearings may be held in other locations if requested in writing by interested persons who can demonstrate that other

opportunities to make an oral presentation will aid this rulemaking. The hearings will permit the public to orally present their views on the regulatory proposal, suggest alternative actions, and provide supportive information for their positions.

Numerous written comments were received requesting additional hearings in certain locations. As a result of those requests and in order to give the public adequate opportunity to make oral presentations on the proposed rulemaking, the Coast Guard will hold public hearings on the below listed dates at the indicated locations. Each hearing will begin at 10:00 a.m. and end at 5:00 p.m. or earlier if all the speakers have been heard.

The hearing schedule is as follows:

—Washington, District of Columbia; Friday, May 5, 1989. Department of Transportation Headquarters, Nassif Building, Room 2230, 400 7th St., SW., Washington, DC.

—St. Louis, Missouri; Tuesday, May 9, 1989. Holiday Inn Clayton Plaza, 7730 Bonhomme St., St. louis, MO; Telephone No. (314) 863–0400

—New Orleans, Louisiana; Wednesday, June 7, 1989. Hale-Boggs Federal Building, Room 1120, 500 Camp St., New Orleans, LA.

—San Francisco, California; Thursday, June 8, 1989. Travel Lodge, 250 Beach St., San Francisco, CA; Telephone No. (415) 392–6700

—Chicago, Illinois; Wednesday, June 14, 1989. Executive House Hotel, Illinois Room, 71 East Wacker Dr., Chicago, IL; Telephone No. (312) 346–7100

—Boston, Massachusetts; Friday, June 23, 1989. Boston Marine Society, National Historical Park Building #32, Charlestown Navy Yard, Charlestown, MA.

Interested persons are invited to participate in these hearings. Those wishing to make an oral statement should register at least 2 days before the date of the particular hearing at which the statement is to be made. Oral statements by individuals without prior registration will be allowed only if time permits. The Coast Guard reserves the right to impose time limits an oral presentations. To register, write or call the Executive Secretary, Marine Safety Council (G–LRA–2/3600) (CGD 85–080), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001; telephone number (202) 267–1477.

April 21, 1989.

M.J. Schiro,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89–10008 Filed 4–25–89; 8:45 am]

BILLING CODE 4910–14–M

Notices

Federal Register
Vol. 54, No. 79
Wednesday, April 26, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Slate and Coy Compartments; Red Hill Timber Sale; Sequoia National Forest, Tulare County, California Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) for a proposal to harvest timber in the Slate Roadless Area in the Slate and Coy Compartments of the Tule River District of the Sequoia National Forest.

The Sequoia National Forest Land and Resource Management Plan has been prepared. One of the management emphasis in the plan is to harvest timber on lands within the Slate and Coy Compartments.

The alternatives to be considered will range from no action to harvesting volumes up to eighteen million board feet. Within the context of these alternatives, alternative rotation lengths and alternative average yarding distances for standards designated as helicopter yarding will be considered.

Federal, State, and local agencies; the Tule River Indian Reservation; potential purchasers of the timber; and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

To determine the scope of issues to be addressed and for identifying significant issues related to the proposed timber sale, the Tule River District Ranger will be sending to known interested individuals, agencies, and organizations scoping letters inviting comments on the proposed timber sale. A press release for area media will be prepared to invite comments from the public. The Tule River District Ranger will also respond to requests for meetings with organizations and individuals.

James A. Crates, Forest Supervisor, Sequoia National Forest, Porterville, California, is the responsible official.

The analysis is expected to take about 17 months. The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and be available for a 45 day public review period by October 1989. At that time EPA will publish a notice of availability of the draft EIS in the Federal Register. It is very important that those interested in the management of the Slate and Coy Compartments participate at that time. To be most helpful, address adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, Vermont Yankee Nuclear Power Corp. v NRDC, 435 U.S. 519,553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS, Wisconsin Heritages, Inc. v. Harris, 490 F Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

After the comment period ends of the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final environmental impact statement is scheduled to be completed by July 1990. In the final EIS, the Forest Service is required to respond to comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the EIS and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal.

Written comments and suggestions concerning the analysis should be sent to Del Pengilly, District Ranger, Sequoia National Forest, Tule River Ranger District, 32588 Highway 190, Springville, California 93265, by June 1, 1989. This date is necessary to provide the interdisciplinary team with public concerns prior to their field analysis.

Questions about the proposed action and environmental impact statement should be directed to John Gerritsma, Planning Forester, Tule River Ranger District, phone 209–539–2607.

Date: April 14, 1989.

James A. Crates,

Forest Supervisor.

[FR Doc. 89–9960 Filed 4–25–89; 8:45 am]
BILLING CODE 3410–11–M

CIVIL RIGHTS COMMISSION

Rhode Island Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a community forum sponsored by the Rhode Island Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:30 p.m. on May 8, 1989, at the Senate Hearing Room, State House, Smith St., Providence, RI 02903. The forum will host four panels, dealing with (1) trends and causes of incidents of bigotry and violence; (2) collecting information on incidents of bigotry and violence; (3) incidents of bigotry and violence from the victim's perspective; and (4) incidents of bigotry and violence from the law enforcement perspective.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson David H. Sholes, (401/463–5600) or John I. Binkley, Director of the Eastern Regional Division of the Commission at 202/523–5264 or TDD 202/376–8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the regional division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 12, 1989.

Melvin L. Jenkins,

Acting Staff Director.

[FR Doc. 89-9964 Filed 4-25-89; 8:45am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Business Development Center Applications; Brooklyn, NY

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at $285,000 in Federal funds and a minimum of $50,294 in non-Federal contributions for the budget period October 1, 1989, to September 30, 1990. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Brooklyn, NY, SMSA geographic service area.

The funding instrument for the MBDCwill be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points) the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less and 35% of the total cost for firms with gross sales of over $500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

DATE: The closing date for applications is June 12, 1989. Applications must be postmarked on or before June 12, 1989.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Bldg., Room 3720, New York, New York 10278, Area Code/ Telephone Number (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, New York Regional Office. (212) 264-3262.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address. A Pre-application Conference to assist all interested applications will be held on May 15, 1989, from 10:00 a.m. until 3:00 p.m. in Manhattan, New York, at the Jacob K. Javitts Federal Building, 26 Federal Plaza, Room 305-B. For further information please contact the NYRO at (212) 264-3262.

William R. Fuller,

(Deputy) Regional Director, New York Regional Office.

Date: April 17, 1989.

[FR Doc. 89-9942 Filed 4-25-89; 8:45 am]

BILLING CODE 3510-21-M

National Institute of Standards and Technology

[Docket No. 90401-9101]

National Voluntary Laboratory Accreditation Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Publication of NVLAP Directory Supplement.

SUMMARY: The National Institute of Standards and Technology (NIST) announces laboratory accreditation actions taken to date during the second quarter of 1989. The accompanying table lists 221 testing laboratories receiving initial accreditation to perform bulk asbestos analysis in accordance with 40 Code of Federal Regulations Chapter I (1-1-87 edition) Part 763, Subpart F, Appendix A pages 293-299 or the current U.S. Environmental Protection Agency method for the analysis of asbestos in building materials by polarized light microscopy.

FOR FURTHER INFORMATION CONTACT: Laboratory Accreditation, ADMIN A527, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975-4016. Also current information can be obtained by communicating by computer with the NVLAP computer electronic bulletin board on 301-948-2058.

SUPPLEMENTARY INFORMATION: The National Institute of Standards and Technology periodically publishes supplements to the NVLAP Directory of Accredited Laboratories. This supplement is issued at this time to announce the large number of new actions taken and is published pursuant to § 7.6(b) of the National Voluntary Laboratory Accreditation Program Procedures (Title 15, Part 7, of the Code of Federal Regulations).

Raymond G. Kammer,

Acting Director.

Date: April 20, 1989.

Laboratories Accredited by NVLAP to Perform Bulk Asbestos Analysis (Alphabetically Listed by State)

BCM Engineers Inc., 104 St. Francis Street, Suite 400, P.O. Box 1784, Mobile, AL 36633, Phone: 205-433-0517

Chem-Ray, Inc., P.O. Box 821, Florence, AL 35631, Phone: 205–766–4345
EnviroChem Inc., 762 Downtowner Loop West, Mobile, AL 36609, Phone: 205–344–7711
Harmon Engineering Associates, 1550 Pumphrey Avenue, Auburn, AL 36830 Phone: 205–821–9250
Law Engineering, Inc., 3608 7th Court, South/P.O. Box 10244, Birmingham, AL 35202, Phone: 205–252–9901
Weston-ATC Mobile Facility, 1635 Pumphrey Avenue, Auburn, AL 36830, Phone: 205–826–6100
Weston-ATC, Inc., 1635 Pumphrey Avenue, Auburn, AL 36830, Phone: 205–826–6100
Arkansas Department of Health, 4815 West Markham, Little Rock, AR 72205, Phone: 501–661–2389
Environmental Services Company, Inc., 13715 West Markham, Little Rock, AR 72211, Phone: 501–221–2565
Fiberquant, Inc., 4824 S. 35th St., Phoenix, AZ 85040, Phone: 602–276–6138
ACCULAB Environmental Services, 3700 Lakeville Hwy., Petaluma, CA 94952, Phone: 707–778–4160
Aerojet TechSystems Company, Quality Assurance Testing Laboratory, P.O. Box 13222, Dept. 9410, Bldg. 2004, Sacramento, CA 95813, Phone: 916–355–3496
Asbestos Detection Co., Inc., 12755 Brookhurst Street, Suite 206, Garden Grove, CA 92640, Phone: 714–530–1922
California Water Labs, 1430 Carpenter Lane, Modesto, CA 95352, Phone: 209–527–4050
Certified Engineering & Testing Co., Inc., 725 Greenwich St., #204, San Francisco, CA 94133, Phone: 415–986–6872
Dan Napier & Associates, 15342 Hawthorne Boulevard, Suite 207, P.O. Box 1540, Lawndale, CA 90260, Phone: 213–644–1928
Dyer Laboratories, Inc., 2531 West 237th Street, #121, Torrance, CA 90505, Phone: 213–530–3322
EMS Laboratories, Inc., 211 Pasadena Avenue, South Pasadena, CA 91030, Phone: 213–257–2002
Environmental Innovations Corp. (EIC), 675 Hegenberger Road, Suite 110, Oakland, CA 94621, Phone: 415–632–0140
Forensic Analytical Specialties, Inc., 3777 Depot Road, Suite 408, Hayward, CA 94545, Phone: 415–887–8828
Kellco Services, Inc., 44814 Osgood Road, Fremont, CA 94539, Phone: 415–659–9751
Kellco Services, Inc., 8421 Auburn Avenue, Citrus Heights, CA 95610, Phone: 916–722–7997
Los Angeles City, Department of Water & Power, P.O. Box 111, 1630 North Main St., Bldg. 7, Los Angeles, CA 90051, Phone: 213–481–6691
Med-Tox Associates, Inc., San Diego Office, 1229 Morena Boulevard, San Diego, CA 92110, Phone: 619–276–8843
Microanalytical Services, Inc., 201 South Lake Avenue, Suite 402, Pasadena, CA 91101, Phone: 818–356–7400
National Asbestos Laboratories Inc., 2235 Polvorosa Ave., Suite 220, San Lendro, CA 94577, Phone: 415–786–0801
PACE Laboratories, Inc., 11 Digital Drive, Novato, CA 94949, Phone: 415–883–6100
Particle Diagnostics, Inc., 1274 Morena Boulevard, San Diego, CA 92110, Phone: 619–276–2200
RJ Lee Group, Inc., 2424 Sixth Street, Berkeley, CA 94710, Phone: 415–486–8319
Schwein/Christensen Engineering, Ltd., 3397 Mt. Diablo Blvd., Suite E, Lafayette, CA 94549, Phone: 415–284–3311
South Coast Air Quality Management Dist., 9150 Flair Drive, El Monte, CA 91731, Phone: 818–572–6430
Thermo Analytical Inc./TMA-Norcal, 2030 Wright Avenue, Richmond, CA 94804, Phone: 415–235–2633
Analytica, Inc., 593C McIntyre Street, Golden, CO 80403, Phone: 303–279–2583
DCM Science laboratory, 12975 West 24th Place, Golden, CO 80401, Phone: 303–237–0110
Aetna Life & Casualty Co., 575 Pigeon Hill Road, Windsor, CT 06095, Phone: 203–683–3647
Brooks Laboratories, Inc., 44 Codfish Lane, Weston, CT 06883, Phone: 203–226–6384
Chemscope, Inc., P.O. Box 389, Fair Haven Station, New Haven, CT 06513, Phone: 203–468–0055
Connecticut Dept. of Health Services, 10 Clinton Street, P.O. Box 1689, Hartford, CT 06106, Phone: 203–566–5626
Hartford Steam Boiler, Environmental Services Laboratory, One State Street, Hartford, CT 06102, Phone: 203–722–5476
Batta Environmental Assoc., Inc., 2608 Eastburn Center, P.O. Box 9722, Newark, DE 19714, Phone: 302–737–3376
Medlab, Inc., P.O. Box 2045, Wilmington, DE 19899, Phone: 302–994–5764
Advanced Industrial Hygiene Services, Inc., 2131 Southwest 2nd Ave., Miami, FL 33129, Phone: 305–854–7554
KNL Laboratory Services, 2742 N. Florida Ave., P.O. Box 1833, Tampa, FL 33601, Phone: 813–229–2879
Law Engineering, Inc., 4919 West Laurel Street, Tampa, FL 33607, Phone: 813–289–0750
Micro Analytical Laboratories, Inc., 3618 Northwest 97th Boulevard, Gainesville, FL 32606, Phone: 904–332–1701
PACE Laboratories, Inc., 5460 Beaumont Center Boulevard, Tampa, FL 33634, Phone: 913–884–8268
Southeastern Marine Chemists Inc., Southeastern Chemists Laboratories, 170 Arlington Road, Jacksonville, FL 32211, Phone: 904–725–2040
Thornton Laboratories, Inc., 1145 E. Cass St., Tampa, FL 33602, Phone: 813–223–9702
Clayton Environmental Consultants, Inc., 400 Chastain Center Boulevard NW., Suite 490, Kennesaw, GA 30144, Phone: 404–499–7500
Electron-Microscopy Service Labs, Inc., 1800 Peachtree Street NW., Suite 305, Atlanta, GA 30309, Phone: 404–355–4046
Environmental Analytical Laboratories, Cobb Corporate Center, Suite 300, 350 Franklin Road, Marietta, GA 30067, Phone: 404–425–9901
Materials Analytical Services, Inc., 3597 Parkway Lane, Suite 250, Norcross, GA 30092, Phone: 404–448–3200
Soil & Material Engineers, 3980 DeKalb Technology Parkway, Atlanta, GA 30340, Phone: 404–452–1911
Ames Environmental Inc., 3910 Lincoln Way, Ames, IA 50010, Phone: 515–292–3400
CHART Services Ltd., 4725 Merle Hay Road, Suite 214, Des Moines, IA 50322, Phone: 515–276–3642
Midwestern Testing Labs, Inc., 55½ North Main, P.O. Box 1657, Fairfield, IA 52556, Phone: 515–472–1881
Net Midwest, Inc., P.O. Box 625, 704 Enterprise Drive, Cedar Falls, IA 50613, Phone: 319–277–2401
University of Iowa, University Hygienic Laboratory, Iowa City, IA 52240, Phone: 319–335–4500
ABS Environmental Labs Inc., 605 Brookside, Frankfurt, IL 60423, Phone: 815–469–4464
Analytical Laboratory for Environmental Excellence Inc., 485 Frontage Road, Burr Ridge, IL 60521, Phone: 312–789–6080
Anasbestics Company, 7206 West 90th Place, Bridgeview, IL 60455, Phone: 312–598–2921
Beling Consultants, Inc., 1001 16th Street, Moline, IL 61265, Phone: 309–757–9800
Daily Analytical Laboratories, 1621 West Candletree Drive, Peoria, IL 61614, Phone: 309–692–5252
Fay Goldblatt Laboratories, Inc., 2111 Parkview Ct., Wilmette, IL 60091, Phone: 312–251–8338

ITL/Bascor, 5960 North Milwaukee Avenue, Chicago, IL 60646, Phone: 312–792–2454
Mathes Asbestos Services, Inc., 210 West Sand Bank Road, P.O. Box 330, Columbia, IL 62236, Phone: 618–281–7173
Randolph & Associates, Inc., 8901 North Industrial Rd., Peoria, IL 61615, Phone: 309–692–4160
Randolph & Associates, Inc., 5440 North Cumberland Ave., Suite 111, Chicago, IL 60656, Phone: 312–693–6030
Sea, Earth & Air Environmental Consult, 5797 North Lincoln Avenue, Chicago, IL 60659, Phone: 312–878–6337
Stat Analysis Corporation, Chicago Technology Park, 2201 West Campbell Park Drive, Chicago, IL 60612, Phone: 312–763–3400
Suburban Environmental Consultants Ltd., 17121 Whitman, Hazel Crest, IL 60429, Phone: 312–335–1807
Asbestos Compliance Technology, Inc., of Indiana, 5353 North Tacoma Avenue, Indianapolis, IN 46220, Phone: 317–257–5096
EIS Environmental Engineers, Inc., 1701 North Ironwood Drive, South Bend, IN 46635, Phone: 219–277–5715
Environmental Analytical Laboratories, 314 South State Avenue, Indianapolis, IN 46201, Phone: 317–269–3618
Micro Air, Inc., 7168 Zionsville Road, Indianapolis, IN 46268, Phone: 317–293–1533
Micro Air, Inc., 7132 Lakeview Parkway Drive, West, Indianapolis, IN 46268, Phone: 317–293–1533
Walker & Ward, 9119 Formington Drive, P.O. Box 12015, Evansville, IN 47712, Phone: 812–985–7877
ALERT Analytical Laboratories, 1900 West 47th Place, Westwood, KS 66205, Phone: 913–831–4516
CHART Services Ltd., 12616 W. 62nd Terrace, Suite 118, P.O. Box 18, Shawnee, KS 66216, Phone: 913–268–0715
Metro Service Laboratories, Inc., 6309 Fern Valley Pass, Louisville, KY 40228, Phone: 502–964–0865
Central Analytical Laboratories, Inc., 2600 Marietta Street, Kenner, LA 70062, Phone: 504–469–3511
Certified Engineering & Testing Co., Inc., 25 Mathewson Drive, Weymouth, MA 02189, Phone: 617–337–7887
Dennison Environmental, Inc., 35 Industrial Parkway, Woburn, MA 01801, Phone: 617–932–9400
ESA Laboratories, Inc., 43 Wiggins Avenue, Bedford, MA 01730, Phone: 617–275–0100
Enviro-Lab, Inc., 154 Grove Street, Chicopee, MA 01020, Phone: 413–592–0030
Hygeia, Inc., 2303 Bear Hill Road, Waltham, MA 02514, Phone: 617–890–4999
Massachusetts Materials Research, Inc., 241 West Boylston Street, P.O. Box 810, West Boylston, MA 01583, Phone: 617–835–6262
ATEC Associates, Industrial Hygiene Div., 8989 Hermann Dr., Columbia, MD 21045, Phone: 301–381–0232
Apex Environmental, Inc., 7930 Old Georgetown Rd., Bethesda, MD 20814, Phone: 301–657–2739
Biospherics Incorporated, 12051 Indian Creek Court, Beltsville, MD 20705, Phone: 301–369–3909
Geo-Environmental Services, Inc., 444 North Frederick Ave., Suite L–148, Gaithersburg, MD 20877, Phone: 301–353–0338
OMC, Inc., 4451 Parliament Place, Lanham, MD 20706, Phone: 202–488–7990
DeLisle Consulting & Laboratories, Inc., 6946 East N Avenue, Dalamazoo, MI 49001, Phone: 616–343–9698
ERT Testing Services, Inc., 211 Glendale, Suite 425, Highland Park, MI 48203, Phone: 313–865–0600
Sierra Analytical & Consulting Services, 307 North First Street, Ann Arbor, MI 48103, Phone: 313–662–1155
Testing Engineers, and Consultants, Inc., 1333 Rochester Rd., P.O. Box 249, Troy, MI 48099, Phone: 313–588–6200
Braun Environmental Laboratories, Inc., 6800 South County Road 18, P.O. Box 35108, Minneapolis, MN 55435, Phone: 612–941–5600
Institute For Environmental Assessment, 2829 Verndale Avenue, Anoka, MN 55303, Phone: 612–427–5310
NOVA Environmental Services, Inc., Suite 420, 1107 Hazeltine Boulevard, Chaska, MN 55318, Phone: 612–448–8888
PACE Laboratories, Inc., 1710 Douglas Drive N., Minneapolis, MN 55422, Phone: 612–544–5543
Twin City Testing Corporation, 662 Cromwell Avenue, St. Paul, MN 55114, Phone: 612–649–5000
Industrial Testing Laboratories, Inc., 2350 South 7th Blvd., St. Louis, MO 63104, Phone: 314–771–7111
Microscopic Analysis, Inc., 989 Gardenview Office Parkway, St. Louis, MO 63141, Phone: 314–993–2212
Midwest Environmental Testing & Training, 612 West 3rd Street, Unit B, Lee's Summit, MO 64063, Phone: 816–525–6681
University of Missouri—Kansas City, Chemistry Department, Kansas City, MO 64110, Phone: 816–276–2289
Bonner Analytical Testing Company, Rt. 14, Box 509, Hattiesburg, MS 39402, Phone: 601–264–2854
Northern Engineering & Testing, Inc., 600 South 25th St., Billings, MT 59107, Phone: 406–248–9161
Asbestos Analysis & Information Service, P.O. Box 837, Four Oaks, NC 27524, Phone: 919–894–2804
E.I. du Pont de Nemours & Company, Inc., Cape Fear Plant—PD, P.O. Box 2042, Wilmington, NC 28402, Phone: 919–371–4257
Ecosafe Industrial Hygiene Laboratory, 1713 Chapel Hill Road, Durham, NC 27707, Phone: 919–493–2612
EnviroSciences Inc., 3810 F. Merton Drive, Raleigh, NC 27609, Phone: 919–782–1487
NSI–ERS Analytical Services Laboratory, 2 Triangle Drive, P.O. Box 12313, Research Triangle Park, NC 27709, Phone: 919–549–0611
TEI Environmental, Inc., 308A Pomona Dr., Greensboro, NC 27407, Phone: 919–852–0318
CHART Services Ltd., 7912 Davenport Street, Omaha, NE 68114, Phone: 402–393–0155
New Hampshire Division of Public Health, Public Health Laboratory, 6 Hazen Drive, Concord, NH 03301, Phone: 603–271–4657
Applied Environmental Technology, Inc., 316 Cooper Center, Pennsauken, NJ 08109, Phone: 609–486–9200
Atlantic Environmental, Inc., 2 East Blackwell Street, Suite 24, Dover, NJ 07801, Phone: 201–366–4660
Atlantic Environmental, Inc., 2 East Blackwell Street, Suite 24, Dover, NJ 07801, Phone: 201–366–4660
Bulava Environmental, Inc., 13 Hunt Club Rd., Belle Mead, NJ 08502, Phone: 201–874–6207
Corning Environmental Services, One Malcolm Ave., Teterboro, NJ 07608, Phone: 201–393–5647
Electron-Microscopy Service Labs, Inc., 108 Haddon Avenue, Westmont, NJ 08108, Phone: 609–858–4800
Exxon Biomedical Sciences, Inc., Industial Hygiene Analyst Services Lab, Mettlers Road—CN 2350, East Millstone, NJ 08875, Phone: 201–873–6033
Powell Environmental Services, Inc., Suite 9A, Camp Meeting Grounds, Delanco, NJ 08075, Phone: 609–764–8885
Princeton Testing Laboratory, Inc., P.O. Box 3108, Princeton, NJ 08543, Phone: 609–452–9050
New Mexico State University, Electron Microscope Laboratory, Box 3EML, Las Cruces, NM 88003, Phone: 505–646–3734
Ambient Labs, Inc., 119 West 23rd Street, New York, NY 10011, Phone: 212–962–4242
Buck Environmental Labs., Inc., 100 Tompkins St., Cortland, NY 13045, Phone: 607–753–3403

Calibrations, Inc., 802 Watervaliet Shaker Road, Lathan, NY 12110, Phone: 518–786–1865
Certified Engineering & Testing Co., Inc., of Upstate New York, 288 Genesee St., Utica, NY 13502, Phone: 315–732–3826
Chopra-Lee Laboratory, 1741 Baseline Road, Grand Island, NY 14072, Phone: 716–733–6748
Comprehensive Analytical Group, 147 Midler Park Drive, P.O. Box 254, Syracuse, NY 13206, Phone: 315–432–0855
Environmental Management Systems, Inc., 14 Sarafian Road, New Platz, NY 12561, Phone: 914–255–1034
Galson Technical Services, Inc., 6601 Kirkville Road, East Syracuse, NY 13057, Phone: 315–432–0506
Hygeia, Inc., 276 Fifth Avenue, Suite 503, New York, NY 10001, Phone: 212–545–7822
Independent Asbestos Labs, Inc., 5900 Butternut Drive, East Syracuse, NY 13057, Phone: 315–437–1122
OBG Laboratories, Inc., 1304 Buckley Road, Syracuse, NY 13221, Phone: 315–451–4700
Suffolk County Public & Env. Health Lab, Bldg. 77, Veterans Memorial Highway, Hauppauge, NY 11788, Phone: 516–360–5528
TAKA Asbestos Analytical Services, Inc., 8 Pine Hill Court, Northport, NY 11768, Phone: 516–261–2117
TAKA Asbestos Analytical Services, Inc., Environmental Testing, 324 Larkfield Road, E. Northport, NY 11731, Phone: 516–261–2117
American Analytical Laboratories, Inc., 100 Lincoln Street, Akron, OH 44308, Phone: 216–535–1300
Bruce Menkel and Associates, Inc., 235 Industrial Drive, P.O. Box 159, Franklin, OH 45005, Phone: 513–746–9300
Deyor Laboratories, Inc., Industrial Laboratory, 7655 Market Street, Suite 2500, Youngstown, OH 44512, Phone: 216–758–5788
Electro-Analytical, Inc., 7118 Industrial Park Blvd., Mentor, OH 44060, Phone: 216–951–3514
Environmental Consultants, Inc., 1810 North 12th Street, P.O. Box 2104, Toledo, OH 43603, Phone: 419–241–7127
Gelles Laboratories, Inc., 2836 Fisher Road, Columbus, OH 43204, Phone: 614–276–2957
Martin Marietta Energy Systems, Inc., Portsmouth Gaseous Diffusion Plant, P.O. Box 628, Piketon, OH 45661, Phone: 614–289–2331
Micro View Consulting, 416 East Catawba Ave., Akron, OH 44301, Phone: 216–773–8330
Monarch Analytical Laboratories, P.O. Box 2990, Toledo, OH 43606, Phone: 419–535–1780
PEI Associates, Incorporated, 11499 Chester Road, Cincinnati, OH 45246, Phone: 513–782–4700
Ricerca, Inc., 7528 Auburn Road, P.O. Box 1000, Painesville, OH 44077, Phone: 216–357–3261
SEA Inc., 7349 Worthington-Galena Road, Columbus, OH 43085, Phone: 614–888–4160
Tremco Inc., 10701 Shaker Blvd., Cleveland, OH 44104, Phone: 216–292–5000
Diversified Environmental Technologies, 132 West Main Street, Suite 110, Norman, OK 73069, Phone: 405–360–7929
Marshall Environmental Management, Inc., 3801 Northwest 63rd Street, Suite 162, Oklahoma City, OK 73116, Phone: 405–842–3415
Environmental Consulting Services, Inc., 1259 Willamette Street, Eugene, OR 97401, Phone: 503–345–6790
Environmental Consulting Services, Inc., 3601 Northwest Yeon, Suite 134, Portland, OR 97210, Phone: 503–227–7210
Oregon Analytical Laboratory, 14655 Southwest Old Schools Ferry Road, Beaverton, OR 97007, Phone: 503–644–5300
AGX, Inc., Freedom Professional Building, Suite 3B, 1341 Old Freedom Road, Mars, PA 16046, Phone: 412–776–1905
Accredited Environmental Tech., Inc., 28 North Pennell Road, Lima, PA 19037, Phone: 215–891–0114
Alcoa Environmental Health Laboratory, Alcoa Technical Center, Alcoa Center, PA 15069, Phone: 412–337–2154
Allegheny Asbestos Analysis, Inc., 300 Mt. Lebanon Blvd., Suite 2217, Pittsburgh, PA 15234, Phone: 412–563–3744
Allegheny Mountain Research, Inc., Environmental Consultants, R.D.I., Box 243A, Berlin, PA 15530, Phone: 814–267–4404
Altest Environmental Laboratories, 28 West Main St., Plymouth, PA 18651, Phone: 717–779–5377
Cumberland Analytical Laboratories Inc., 56 North Second St., Chambersburg, PA 17201, Phone: 717–263–5943
Free-Col Laboratories, P.O. Box 557 Cotton Road, Meadville, PA 16335, Phone: 814–724–6242
Galson Technical Services, Inc., 5170 Campus Drive, Plymouth Meeting, PA 19462, Phone: 315–834–7288
MDS Laboratories, 4418 Pottsville Pike, Reading, PA 19605, Phone: 215–921–9191
Pennsylvania DER Bureau of Laboratories, 3rd & Reily St., P.O. Box 1467, Harrisburg, PA 17120, Phone: 717–787–4669
RJ Lee Group, Inc., 350 Hochberg Road, Monroeville, PA 15146, Phone: 412–325–1776
SSI Environmental Consultants, Expressway Park, Gulf Lab Road—Harmarville, Pittsburgh, PA 15238, Phone: 412–295–2399
Spotts, Stevens and McCoy, Inc., 345 North Wyomissing Blvd., P.O. Box 6307, Reading, PA 19610, Phone: 215–376–6581
R.I. Analytical Laboratories, Inc., 1040 Mineral Spring Ave., North Providence, RI 02904, Phone: 401–725–4190
Azimuth, Inc., 9229 University Blvd., Charleston, SC 29418, Phone: 803–553–9456
Davis & Floyd, Inc., 816 East Durst Street, Greenwood, SC 29646, Phone: 803–229–5211
Environmental Engineering Company, Inc., 500 Rivermont Road, Columbia, SC 29210, Phone: 803–256–7846
Envirosciences, Inc., 187 North Church Street, Suite 705, Spartanburg, SC 29301, Phone: 803–585–4900
Soil & Material Engineers, 840 Low Country Boulevard, Mt. Pleasant, SC 29464, Phone: 803–884–0005
ATC Environmental, Inc., 1515 East Tenth Street, Sioux Falls, SD 57103, Phone: 605–338–0555
Specialized Assays, Inc., 210 12th Avenue S., Nashville, TN 37203, Phone: 615–255–5786
Aegis Associates, 44 East Ave.; Suite 100, Austin, TX 78701, Phone: 512–474–8789
Aegis Associates—El Paso, 1280 Hawkins, Suite 120, El Paso, TX 79925, Phone: 915–592–6556
Building Environmental Systems, Inc., 3501 North MacArthur, Suite 400B, Irving, TX 75062, Phone: 214–257–0787
E.O.S. Engineers & Laboratories, Inc., 1450 Empire Central, Suite 116, Dallas, TX 75247, Phone: 214–631–0862
East Texas Testing Laboratory, Inc., 1717 East Erwin, Tyler, TX 75702, Phone: 214–595–4421
Environmental Research Institute, Inc., P.O. Box 2024, Tyler, TX 75710, Phone: 214–877–9314
Envirotest, Inc., 9504 Richmond, Suite 414, Houston, TX 77063, Phone: 713–782–4101
Maxim Engineers, Inc., 2342 Fabens, Dallas, TX 75229, Phone: 214–247–7575
Maxim Engineers, Inc., 11601 North Lamar, Austin, TX 78753, Phone: 512–837–8851
McClelland Management Services, Inc., 6100 Hillcroft, Suite 220, Houston, TX 77081, Phone: 713–995–9000
Microanalysis Laboratory D/FW-P.E.I., P.O. Box 612383 (Trailer #12), D/FW

Airport, TX 75261, Phone: 214–574–1700
Microanalysis Laboratory, Inc., 8499 Greenville Avenue, Suite 201, Dallas, TX 75231, Phone: 214–340–0890
NUS Corporation, 900 Gemini Avenue, Houston, TX 77058, Phone: 713–488–1810
Raba-Kistner Consultants, Inc., 12821 West Golden Lane, San Antonio, TX 78249, Phone: 512–699–9090
Southwestern Public Service Co., System Lab, P.O. Box 1261, Amarillo, TX 79170, Phone: 806–381–6360
Technology Serving People, Inc., 5373 West Alabama, Suite 450, Houston, TX 77056, Phone: 713–621–9067
Texaco Chemical Co., PTS Laboratory, 6001 Highway 366, P.O. Box 847, Port Neches, TX 77651, Phone: 409–724–4460
Texas Research Institute, 9063 West Bee Caves Road, Austin, TX 78733, Phone: 512–263–2101
Professional Service, Industries, Inc., 2955 South West Temple St., Salt Lake City, UT 84115, Phone: 801–484–8827
American Medical Laboratories, Inc., 11091 Main Street, Fairfax, VA 22030, Phone: 703–691–9100
American Medical Laboratories, Inc., 2000 Bremo Road, #204 Richmond Medical Park, Richmond, VA 23226, Phone: 804–282–1324
Analytics Laboratory Inc., 1415 Rhoadmiller Street, Richmond, VA 23220, Phone: 804–353–8973
Analytics Laboratory Inc., 205 South Whiting Street, Suite 405, Alexandria VA 22304, Phone: 703–751–3803
Analytics Laboratory Inc., 1003 Norfolk Square, Norfolk, VA 23502, Phone: 804–857–0675
Med-Tox Associates, Inc., 10366 Battleview Parkway, Manassas, VA 22110, Phone: 703–368–7880
Pacific Environmental Services, Inc., 11440 Isaac Newton Square, Suite 209, Reston, VA 22090, Phone: 703–471–8383
Schneider Laboratories, Inc., 1427 West Main Street, Richmond, VA 23220, Phone: 804–353–6778
Scientific and Environmental, 202 Bishop Road, Blacksburg, VA 24060, Phone: 703–951–9283
Versar Inc., 6850 Versar Center, Springfield, VA 22151, Phone: 703–750–3000
Shelburne Laboratories, Inc., P.O. Box 9479, 74 Ethan Allen Drive, S Burlington, VT 05403, Phone: 802–985–3379
Amtest, Inc., 14603 Northeast 87th St., Redmond, WA 98052, Phone: 206–885–1664
Hanford Environmental Health Foundation, NHS, Inc., 805 Goethals Drive, Richland, WA 99352, Phone: 509–376–6980
Hanford Environmental Health Foundation, NHS, Inc., 2950C George Washington Way, Richland, WA 99352, Phone: 509–376–6980
M&M Environmental, Inc., 3902 North 34th Street, Tacoma, WA 98407, Phone: 206–572–2772
Microlab Northwest, 7609 140th Pl. NE., Redmond, WA 98052, Phone: 206–885–9419
Puget Sound Naval Shipyard, Code 1343, Bremerton, WA 98314, Phone: 206–476–8092
Allis Memorial Hospital, Industrial Toxicology Laboratory—West, 8901 West Lincoln Avenue, West Allis, WI 53227, Phone: 414–546–6313
C.G. Technologies, Inc., University Research Park, 505 Science Drive, Suite D, Madison, WI 53711, Phone: 608–271–2292
Chem-Bio Corporation, 140 East Ryan Road, Oak Creek, WI 53154, Phone: 414–764–7870
Wisconsin Occupational Health Laboratory, 979 Jonathan Drive, Madison, WI 53713, Phone: 608–263–6550
Chatfield Technical Consulting Limited, 2071 Dickson Road, Mississauga, Ontario, L5B 1Y8, CANADA, Phone: 416–896–7611
Pinchin Harris Holland Associates Ltd., #200–1285 West Pender Street, Vancouver, BC, V6E 4B1, CANADA, Phone: 604–669–5979

[FR Doc. 89–1000 Filed 4–25–89; 8:45 am]
BILLING CODE 3510–13–M

National Telecommunications and Information Administration

Advisory Committee on Advanced Television; Partially Closed Meeting

A meeting of the Commerce Advisory Committee on Advanced Television will be held May 10, 1989, 9:00 a.m. to 11:30 a.m., in the Secretary's Conference Room, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC.

The Committee advises the Secretary on the impact of advanced television on the competitiveness of U.S. industry, what policies may be pursued to heighten the development of advanced television in the public interest, and other related issues. The meeting is scheduled to consist of a discussion of the impact of advanced television on the competitiveness of U.S. industry and the development of Federal Government policies in this area.

The General Session of the meeting will be open to the public and a limited number of seats will be available on a first-come first-served basis. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on November 2, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(4), and (c)(9)(B). The discussions are likely to disclose privileged or confidential commercial information and information for which premature disclosure would likely significantly frustrate the implementation of proposed agency actions. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 6628, Department of Commerce.)

FOR FURTHER INFORMATION CONTACT: Richard M. Firestone, Chief Counsel, Office of the Chief Counsel, National Telecommunications and Information Administration, Room H4717, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone 202–377–1816.

Date: April 21, 1989.

Richard M. Firestone,

Acting Assistant Secretary, National Telecommunications and Information Administration.

[FR Doc. 89–10056 Filed 4–25–89; 8:45 am]
BILLING CODE 3510–60–M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Youth Attitude Tracking Study, no form required, OBM Control Number 0704–0069.

Type of Request: Extension.

Average Burden Hours/Minutes Per Response: 30 minutes.
Frequency of Response: 1.
Number of Respondents: 10,050.
Annual Burden Hours: 5,025.
Annual Responses: 10,050.
Needs and Uses: This survey determines and evaluates knowledge of and attitudes toward military service of Americans 16–24 years of age. It provides annual cross-sectional data on propensity to serve and on other key issues for trend analyses. The survey data are used by DOD components to develop recruiting strategies, incentive programs, advertising strategies, Congressional testimony, resource allocation and special studies.
Affected Public: Individuals.
Frequency: On occasion/Annually.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Dr. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
April 20, 1989.

[FR Doc. 89–9970 Filed 4–25–89; 8:45 am]
BILLING CODE 3810-01-M

Office of the Secretary

Commercial Activities Inventory Report and Five Year Review Schedule for Fiscal Year 1988

AGENCY: Office of the Secretary, DoD.
ACTION: Notice.

SUMMARY: This notice announces the publication of the DoD Commercial Activities Inventory Report and Five Year Review Schedule For FY 1988 (DoD 4100.33–INV). This document may be obtained by writing to the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, referring to stock number 008–000–00520–6, and enclosing a check in the amount of $21.00, payable to the Superintendent of Documents.

FOR FURTHER INFORMATION CONTACT: Mr. Dom Miglionico, Office of the Assistant Secretary of Defense (Production and Logistics) Installations Support Division, Pentagon, Washington, DC 20301–8000, telephone (202) 325–0537.

SUPPLEMENTARY INFORMATION: This document is published under the provisions of OMB Circular A–76, which requires the Department of Defense to publish an annual inventory report of all commercial activities. The OMB also requires that the Department of Defense publish a five year schedule for reviewing all in-house method of operation should continue or whether an in-house versus contract cost comparison should be performed to determine the most cost effective method of operation.

April 20, 1989.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. 89–9973 Filed 4–25–89; 8:45 am]
BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow on Forces Attack; Meeting

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Follow on Forces Attack (FOFA) will meet in closed session on May 18, 1989 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO to include special targeting requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

April 20, 1989.

Linda M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. 89–9971 Filed 4–25–89; 8:45 am]
BILLING CODE 3810-01-M

Strategic Defense Initiative Advisory Committee; Meeting

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Strategic Defense Initiative (SDI) Advisory Committee will meet in closed session in Washington, DC, on May 22–23, 1989.

The mission of the SDI Advisory Committee is to advise the Secretary of Defense and the Director, Strategic Defense Initiative Organization on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on May 22–23, 1989 the committee will discuss status of SDI research and management issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C., App. II, (1982)), it has been determined that this SDI Advisory Committee meeting concerns matters listed in 5 U.S.C., 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

April 20, 1989.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. 89–9972 Filed 4–25–89; 8:45 am]
BILLING CODE 3810-01-M

Department of the Army

Availability of Draft Record of Decision for Remediation of Landfill No. 26, Hamilton Air Force Base, Novato, CA

The Department of Army will release the Draft Record of Decision for the selection of the remedial alternatives for the remediation of Landfill 26, Hamilton Air Force Base, Novato, California on April 24, 1989.

The Draft Record of Decision specifically describes and addresses the selected remedial alternatives to clean up the landfill and the associated groundwater. The landfill was identified in the 1987 remedial investigation at Hamilton AFB as a site containing soil and refuse that, in some locations, exceeds criteria developed by the State of California for identification of hazardous waste. The Feasibility Study released to the public on January 9, 1989, describes eight remedial alternatives for addressing contamination in the soil/refuse. These alternatives range from no action (requiring continued groundwater monitoring) to excavation and disposal of contaminated soil/refuse in

appropriate commercial landfills and range in costs from $2.8 million to $53.5 million.

Remediation of soil/refuse will subsequently require localized groundwater remediation at the landfill. The Draft Feasibility Study describes six groundwater remedial alternatives utilizing various processes ranging in cost from $4.7 million to $18 million.

The Draft Record of Decision selects Fixation and Class II Closure of the Landfill (Alternative 4A) and Trickling Filter-Equalization (Alternative 6B) for the soil/refuse operable unit and groundwater operable unit, respectively. Here is a brief description of the alternatives:

Landfill Soil/Refuse Operable Unit—Alternative 4A: All contaminated soil/refuse exceeding levels appropriate for Class II landfill closure will be excavated and fixed with Portland cement or similar reagents. This fixed material would be redeposited into Landfill 26. A variance from the State of California for Class II closure would be required as fixed contaminated would still exceed Class II closure level requirements. The landfill would be capped and closed as a Class II landfill. Estimated cost—$13.2 million.

Groundwater Operable Unit—Alternative 6B: Contaminated groundwater will be extracted from wells located both downgradient and within Landfill 26. Extracted water will pass through an oil/water separator to capture free hydrocarbons and then be treated in a trickling filter to remove trace organics. Treated effluent will be stored on-site in an equalization tank for pH control and time-released to a sanitary treatment facility. Estimated cost—$4.7 million.

The Corps of Engineers has been conducting environmental investigations at Hamilton AFB since May, 1985. To date, clean up actions on the property have included removal of containerized hazards (1985) and removal of 65 underground fuel structures (1986). Total cost expenditure for the Hamilton AFB clean up and investigations to date has been $13.8 million.

Copies of the Draft Record of Decision for Landfill 26 may be obtained by calling the Sacramento District Corps of Engineers, (916) 551–2254, or by writing the Sacramento District Corps of Engineers, ATTN: CESPK–ED–M (ISS), 650 Capitol Mall, Sacramento, California 95814–4794. A limited number of copies of the Draft Record of Decision will also be available at the Hamilton Army Airfield Installation Manager's Office, Building No. 501, Hamilton Army Arifield.

Copies of the document will also be available for review in the local geographic area of surrounding Hamilton at the following locations:

Marin County Library, Civic Center, San Rafael, California

Santa Rosa City Library, Main Branch, Santa Rosa, California

Building 501, Hamilton Army Airfield, Novato, California

6th Army Public Affairs Office, Bldg. 38, Presidio of San Francisco, San Francisco, California

Presidio of San Francisco Public Affairs Office, Bldg. 37, Presidio of San Francisco, San Francisco, California

All interested individuals, organizations, and agencies are invited to provide comments in writing. Written comments may be mailed to the Corps of Engineers' Sacramento address. Comments received by May 24, 1989, will become part of the official responsiveness summary in the final Record of Decision for remediation of Landfill No. 2, Hamilton Air Force Base.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I&L).

[FR Doc. 89–10001 Filed 4–25–89; 8:45 am]

BILLING CODE 3710–08–M

Science Board Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: May 18, 1989.

Time of Meeting: 0800–1700 hours.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup for Tactical Explosive System (TEXS) will meet to review information presented at previous meeting, review a trade-off analysis performed by the US Army Engineering School, and also to update and draft a final report. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89–9962 Filed 4–25–89; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.220]

Extension of Closing Date for Transmittal of Applications for New Awards for Fiscal Year 1989 Under the Centers for International Business Education Program

AGENCY: Department of Education.

ACTION: Extension of closing date for transmittal of applications for new awards for Fiscal Year 1989 under the Centers for International Business Education Program.

The Secretary extends to May 19, 1989 the closing date by which an institution may submit an application for new awards for fiscal yar 1989 under the Centers for International Business Education Program. On March 7, 1989, the Secretary published a notice establishing a closing date of May 10, 1989 for transmittal of applications for new awards for fiscal year 1989 for the Centers for International Business Education Program (54 FR 9686). The previous closing date is being extended to allow participants additional time to prepare applications because the Secretary has determined that erroneous information regarding the nature of the competition was received by eligible applicants.

FOR FURTHER INFORMATION CONTACT: For further information, contact Susanna C. Easton, Center for International Education, U.S. Department of Education, Office of Postsecondary Education, Room 3053, ROB–3, 400 Maryland Avenue, SW., Washington, DC 20202–5332. Telephone (202) 732–3302.

(20 U.S.C. 1130a-b)

James B. Williams,

Acting Assistant Secretary for Postsecondary Education.

April 20, 1989.

[FR Doc. 89–10149 Filed 4–25–89; 8:45 am]

BILLING CODE 4001–01–M

National Board of the Fund for the Improvement of Postsecondary Education; Closed Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: On May 11, 1989 from 8:00 a.m. to 7:00 p.m., and on May 12, 1989 from 8:00 a.m. to 7:00 p.m.

ADDRESSS: The Carlyle Suites, 1731 New Hampshire Avenue, NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Charles Karelis, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, DC 20202 (202) 732–5750.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1001 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is authorized to recommend to the Director of the Fund and the Assistant Secretary for Postsecondary Education priorities for funding and approval or disapproval of grants of a given kind.

The meeting of the National Board is closed to the public. The meeting is for the purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program.

The meeting of the National Board will be closed to the public on May 11, from 8:00 a.m. to 7:00 p.m., and on May 12, from 8:00 a.m. to 7:00 p.m. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemptions (4) and (6) of 5 U.S.C. 552b(c) (Pub. L. 94–409). The review and discussions of the applications and the qualifications of proposed staff may disclose commercial or financial information obtained from a person and privileged or confidential or which would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, Room 3100, Regional Office Building #3, 7th & D Street SW., Washington, DC 20202 from the hours of 8:00 a.m. to 4:30 p.m.

James B. Williams,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 89–9988 Filed 4–25–89; 8:45 a.m]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Form EIA–767, "Steam-Electric Plant Operation and Design Report"

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of the Proposed Revision and Extension of the Form EIA–767, "Steam-Electric Plant Operation and Design Report," and Solicitation of Comments.

SUMMARY: The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. 3501 *et seq*), conducts a consultation program to provide the general public with an opportunity to comment on proposed and continuing reporting forms. This program ensures that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, EIA is soliciting comments concerning the proposed revision and extension to the Form EIA–767, "Steam-Electric Plant Operation and Design Report."

DATE: Written comments must be submitted on or before May 26, 1989.

ADDRESS: Send written comments to Mr. Al Breuel (EI–541), Energy Information Administration, Department of Energy, Mail Stop: 2G–090, 1000 Independence Avenue, SW., Washington DC 20585, Telephone (202) 586–6541. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the DOE contact listed in this notice of your intention to do so as soon as possible.

FOR FURTHER INFORMATION CONTACT: *For further information or to obtain copies of the proposed form and instructions:* Requests for additional information, or copies of the form and instructions should be directed to Mr. Breuel at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. 93–275) and the Department of Energy (DOE) Organization Act (Pub. L. 95–91), the Energy Information Administration is obliged to publish, and otherwise make available to the public, high-quality statistical data that reflect current and prospective electric power plant operations.

The revised Form EIA–767 remains an annual form that collects data on the operation and design of steam-electric plants. The form collects data required by the following sponsors: the Environmental Protection Agency (EPA), the DOE Office of the Assistant Secretary for Environment, Safety, and Health (EH), the DOE Office of the Assistant Secretary for Fossil Energy (FE), the Federal Energy Regulatory Commission (FERC), and the Bureau of Economic Analysis (BEA) of the Department of Commerce. Most of the data elements on this form are required by more than one sponsor. EPA uses the data to develop, assess, reform, and enforce the regulations required by the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*), and the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 and other sections). EH uses the data to assess the environmental impacts of electric energy plans and projections, and the impact of environmental regulations on the generation of electric power. EPA, FE, and EH use the data to perform emission trends and analyses required of them as participants in the Interagency Acid Precipitation Task Force established by the Energy Security Act of 1980 (42 U.S.C. 8901 *et seq.*). FE uses the data to evaluate the inventory of pollution control technology and generation technology. FERC uses the data to evaluate fuel use in utility rate-making proceedings and the use of alternate fuels. BEA uses the data to assess the impact of pollution abatement and control expenditures on the Gross National Product. EIA, in coordination

with the sponsors, designed the revised form and is responsible for collecting and processing the data. Within EIA, the data are used to develop a comprehensive electric power data base that supports EIA models. Other data users include Congress, state environmental regulatory bodies, trade associations, universities, manufacturers, electric utilities, and other Federal agencies.

II. Current Actions

In keeping with its mandated responsibilities, EIA proposes to extend the Form EIA-767 for 3 years. EIA and the sponsors propose the following revisions to the form:

Page 5—Footnotes have been added to items 4 and 5 indicating that flue gas desulfurization units that also remove particulate matter and flue gas particulate collectors that also remove sulfur dioxide, respectively, must be included.

Page 7—Item 3 has been modified for sulfur dioxide emission standards to include both an emission rate and a percent scrub if both standards are required.

Page 7—Item 3 has been clarified to indicate that the most stringent statutes or regulations that govern air emissions should be entered. A new item 4 is added that requires the identification of the type of standards under which the boiler is operating (e.g., not covered under the new source performance standards (NSPS), covered under NSPS Subpart D, or covered under NSPS Subpart Da).

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed extension and revisions within 30 days of the publication of this notice. The following general guidelines are provided to assist in the preparation of responses.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. Public reporting burden for this collection is estimated to average 84 hours per response. How much time, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, do you estimate it will require you to complete and submit the required form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

G. Do you know of other Federal, State, or local agencies that collect similar data? If you do, specify the agency, the data elements, and the means of collection.

As a potential user:

A. Can you use data at the levels of detail indicated on the form?

B. For what purposes would you use the data? Be specific.

C. How could the form be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the collection of the information contained in the electric power surveys.

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval of these data surveys; they also will become a matter of public record.

Statutory Authority: Sections 5(a), 5(b), 13(b), and 52 of Pub. L. 93-275, Federal Energy Administration Act of 1974, as amended, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC April 20, 1989.

Yvonne M. Bishiop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 89-9910 Filed 4-25-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. EC89-10-000 et al.]

Consumers Power Co., et al; Electric Rate, Small Power Production, and Interlocking Directorate Filings

April 19, 1989.

Take notice that the following filings have been made with the Commission:

1. Consumers Power Company

[Docket No. EC89-10-000]

Take notice that on April 11, 1989, Consumers Power Company (Consumers) submitted an application for Authority to sell Facilities to Palisades Generating Company (PGC).

Pursuant to the Asset Purchase Agreement dated as of December 7, 1988 between Consumers and PGC, Consumers proposes to sell to PGC certain transmission facilities located in the vicinity of Consumers Palisades Nuclear Generating Plant in Covert Township, Van Buren County, Michigan. The estimated consideration for the proposed sale is approximately $5 million.

Sale of the transmission facilities will facilitate the sale of electric energy by PGC to Consumers pursuant to the Power Purchase Agreement dated as of February 1, 1989 filed with the Federal Energy Regulatory Commission in Docket No. ER89-256-000. Consumers requests approval of its Application pursuant to section 203(a) of the Federal Power Act.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

2. Idaho Power Company

[Docket No. ER89-336-000]

Take notice that on April 11, 1989, Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's First Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during January and February 1989, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company
Supplement No. 81
Sierra Pacific Power Company
Supplement No. 81
Pacific Power & Light Company
Supplement No. 27
Portland General Electric
Supplement No. 63
Montana Power Company
Supplement No. 60
Washington Water Power Company
Supplement No. 61
Puget Sound Power & Light Company
Supplement No. 36
Pacific Gas & Electric Company
Supplement No. 36

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Central Hudson Gas & Electric Corporation

[Docket No. ER89-331-000]

Take notice that Central Hudson Gas and Electric Corporation (Cental Hudson) on April 6, 1989, tendered for filing, as a rate schedule an executed Agreement dated November 1, 1988 between Central Hudson and United Illuminating Company (United Illuminating). The proposed rate

schedule provides for the sale and purchase of capacity and related energy, supplemental power and residual energy for the period November 1, 1988 to April 30, 1989.

United Illuminating shall pay Central Hudson monthly $60MW day for the capacity and supplemental capacity made available which charge includes the use of Central Hudson's transmission facilities required to deliver and transmit energy. Energy charges will be agreed upon in advance of the purchase by United Illuminating in accordance with section 6B of the Agreement.

Central Hudson states that copies of the subject filing was served upon United Illuminating Company.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Company Services, Inc.

[Docket No. ER89-334-000]

Take notice that on April 7, 1989, Southern Company Services, Inc. (Southern Companies) tendered for filing an Amended and Restated Energy Purchase and Sale Agreement between Cajun Electric Power Cooperative, Inc. and Southern Companies.

Southern Companies requests an effective date of April 1, 1989.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. Consolidated Edison Company of New York

[Docket No. ER89-332-000]

Take notice that on April 6, 1989, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing Supplements to its Rate Schedules FERC Nos. 60, 66 and 78, agreements to provide transmission service for the Power Authority of the State of New York (the Authority). The Supplements provide for an increase in the monthly transmission charge from $0.82 to $1.05 per kilowatt for transmission of power and energy sold by the Authority to Brookhaven National Laboratory, Grumman Corporation and the Long Island Municipal Distribution Agencies, thus increasing annual revenues under the Rate Schedules by a total of $126,834.54. Con Edison requests waiver of the Commission's notice requirements so that the increase can be made effective as of July 1, 1988.

Con Edison states that a copy of this filing has been served by mailed upon the Authority.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power & Light Company

[Docket No. ER89-329-000]

Take notice that on April 4, 1989, Florida Power & Light Company (FP&L) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 99 between FP&L and Seminole Electric Cooperative, Inc.

FP&L requests an effective date of April 1, 1989.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Service Utilities Company

[Docket No. ER89-330-000]

Take notice that on April 6, 1989, Northeast Utilities Service Company (NUSCO) tendered for filing a Notices of Termination of the following rate schedules:

Purchase Agreement with respect to various gas turbine unit sales between Connecticut Light & Power Company, (CL&P) Western Massachusetts Electric Company, (WMECO) and the Town of Wallingford, Connecticut, (Wallingford) dated June 1, 1986 (CL&P Rate Schedule FERC 366 and WMECO Rate Schedule FERC 291). (Agreement A)

Transmission Agreement between CL&P, WMECO, and Wallingford dated September 16, 1983 (CL&P Rate Schedule FERC 305, Supple. 1 to 305 and Supple. 1 to Supple. 2 and WMECO Rate Schedule FERC No. 243). (Agreement B)

NUSCO requests an effective date of April 26, 1989 for Agreement A and November 1, 1988 for Agreement B.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

8. Utah Power & Light Company

[Docket No. ER89-324-000]

Take notice that on April 5, 1989, Utah Power & Light Company (Utah) tendered for filing a General Transfer Agreement between Bonneville Power Administration and Utah Power & Light Company. The Agreement supercedes the Exchange and Transfer Agreement dated April 3, 1973 (FERC Rate Schedule No. 113).

Utah requests that the notice requirements be waived, and that the Agreement be made effective retroactively as of April 12, 1988, the date service first commenced.

Copies of this filing were served on the Bonneville Power Administration and the Idaho Public Utilities Commission.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

9. San Diego Gas & Electric Company

[Docket No. ER89-327-000]

Take notice that on April 4, 1989 San Diego Gas & Electric Company (SDG&E) tendered for filing rate schedule changes to the following agreements between SDG&E and Southern California Edison Company (Edison):

1. Short Term Firm Transmission Service Agreement, Rate Schedule FERC No. 58.
2. Interruptible Transmission Service Agreement, Rate Schedule FERC No. 59.
3. Firm Transmission Service Agreement, Rate Schedule FERC No. 60.

Under the terms of the agreements, SDG&E will make available to Edison firm and interruptible transmission service between points near the U.S.-Mexico boarder and San Onofre.

SDG&E has requested an effective date of January 1, 1989 and therefore, requests waiver of the prior notice requirements.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power & Light Company

[Docket No. ER89-348-000]

Take notice that on April 4, 1989, Florida Power & Light Company (FP&L) tendered for filing Support Schedules C and F, which have been updated to reflect current costs of providing service under Schedules A and B of the referenced contract filed in Docket No. ER80-58, and Attachment No. 2, support information as described in Article III of the Offer of Settlement in Docket no. ER80-58.

FP&L states that the revised rates are to become effective on June 1, 1989.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

11. Northeast Utilities Service Company

[Docket ER89-333-000]

Take notice that on April 7, 1989, Northeast Utilities Company (NUSCO) tendered for filing a Letter Agreement between UNITIL and NUSCO, as agent for (CL&P) and Western Massachusetts Electric Company (WMECO), dated February 28, 1989, amended (i) a Purchase Agreement with respect to South Meadow Units 11, 12, 13, and 14 (Gas Turbine Agreement) between CL&P and UNITIL Power Corp. (UNITIL), dated August 1, 1986, and (ii) Sales Agreement with respect to Montiville

and Middletown Units between CL&P and UNITIL, dated June 1, 1986 (Fossil Unit Agreement) (both Agreements previously submiterd and filed as FERC Rate schedules Nos. CL&P 363, Supplement Nos. 1 through 4 thereto, and Supplement No. 1 to Supplement No. 4, and FERC Rate Schedule No. CL&P 358).

NUSCO states that the rate schedule changes were made by mutual agreement of the parties. The rate schedule changes provide for (i) additional unit sales under the Gas Turbine Agreement, (ii) the admission of WMECO as a party to the Gas Turbine Agreement, and (iii) additional unit sales under the Fossil Unit Agreement.

NUSCO states that copies of this rate schedule have been mailed or delivered to CL&P, WMECO, and UNITIL.

Comment date: May 8, 1989, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9922 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST89-2078-000 et al.]

Tennessee Gas Pipeline Co.; Self-Implementing Transactions

April 21, 1989.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to section 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a motion to intervene with the Secretary of the Commission on or before May 12, 1989.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

Lois D. Cashell,

Secretary.

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

Docket No.[1] and Transporter/Seller		Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-2078	Tennessee Gas Pipeline Co	Nashville Gas Co	2-01-89	B		
ST89-2079	Tennessee Gas Pipeline Co	Midwestern Gas Transmission Co	2-01-89	G		
ST89-2080	Transcontinental Gas Pipe Line Corp	Union Gas Co	2-01-89	B		
ST89-2081	El Paso Natural Gas Co	Hondo Oil & Gas Co	2-01-89	G-S		
ST89-2082	Natural Gas Pipeline Co. of America	Texas Eastern Transmission Corp	2-01-89	G		
ST89-2083	Trunkline Gas Co	Richmond Gas Corp	2-01-89	B		
ST89-2084	Panhandle Eastern Pipe Line Co	Amoco Production Co	2-01-89	G-S		
ST89-2085	Panhandle Eastern Pipe Line Co	Amoco Production Co	2-01-89	G-S		
ST89-2086	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	2-01-89	B		
ST89-2087	Panhandle Eastern Pipe Line Co	Marathon Oil Co	2-01-89	G-S		
ST89-2088	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	2-01-89	B		
ST89-2089	Panhandle Eastern Pipe Line Co	National Steel Corp	2-01-89	G-S		
ST89-2090	Texas Gas Transmission Corp	United Cities Gas Co	2-01-89	B		
ST89-2091	Texas Gas Transmission Corp	Sun Operating Limited Partnership	2-01-89	G-S		
ST89-2092	Northwest Pipeline Corp	Texaco, Inc	2-01-89	G-S		
ST89-2093	Northwest Pipeline Corp	Normandy Oil & Gas Co., Inc	2-01-89	G-S		
ST89-2094	Williams Natural Gas Co	Phillips Petroleum Co	2-01-89	G-S		

Docket No.[1] and Transporter/Seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-2095 Williams Natural Gas Co	Farmland Industries, Inc	2-01-89	G-S		
ST89-2096 Transok, Inc	Natural Gas Pipeline Co. of America	2-01-89	C	7-01-89	32.50
ST89-2097 ANR Pipeline Co	Coastal Gas Marketing Co	2-01-89	G-S		
ST89-2098 ANR Pipeline Co	Wisconsin Natural Gas Co	2-01-89	B		
ST89-2099 ANR Pipeline Co	Northern Indiana Public Service Co	2-01-89	B		
ST89-2100 ANR Pipeline Co	Hadson Gas Systems, Inc	2-01-89	G-S		
ST89-2101 ANR Pipeline Co	Unicorp Energy, Inc	2-01-89	G-S		
ST89-2102 ANR Pipeline Co	Entrade Corp	2-01-89	G-S		
ST89-2103 ANR Pipeline Co	Central Soya Company, Inc	2-01-89	G-S		
ST89-2104 ANR Pipeline Co	Enron Gas Marketing	2-01-89	G-S		
ST89-2105 ANR Pipeline Co	Mobil Vanderbilt-Beaumont Pipeline Co	2-01-89	B		
ST89-2106 ANR Pipeline Co	NGC Intrastate Pipeline Co	2-01-89	B		
ST89-2107 ANR Pipeline Co	Battle Creek Gas Co	2-01-89	B		
ST89-2108 ANR Pipeline Co	Access Energy Pipeline Co	2-01-89	B		
ST89-2109 Texas Eastern Transmission Corp	Coastal States Gas Transmission Co	2-02-89	B		
ST89-2110 Texas Eastern Transmission Corp	Niagara Mohawk Power Corp	2-02-89	B		
ST89-2111 Texas Eastern Transmission Corp	Southern Connecticut Gas Co	2-02-89	B		
ST89-2112 Natural Gas Pipeline Co. of America	Texarkoma Transportation Co	2-02-89	G-S		
ST89-2113 Natural Gas Pipeline Co. of America	Coastal Gas Marketing Co	2-02-89	G-S		
ST89-2114 Equitrans, Inc	Vincehtian Home, Inc	2-03-89	G-S		
ST89-2115 Equitrans, Inc	West Penn Hospital	2-03-89	G-S		
ST89-2116 ANR Pipeline Co	Michigan Consolidated Gas Co	2-03-89	B		
ST89-2117 Tennessee Gas Pipeline Co	Mississippi Valley Gas Co	2-03-89	B		
ST89-2118 Transok, Inc	Panhandle Eastern Pipe Line Co	2-03-89	C	7-03-89	32.50
ST89-2119 Natural Gas Pipeline Co. of America	Anadarko Trading Co	2-03-89	G-S		
ST89-2120 ARKLA Energy Resources	Hanley and Bird	2-03-89	B		
ST89-2121 ARKLA Energy Resources	New Ulm Public Utilities Commission	2-03-89	B		
ST89-2122 ARKLA Energy Resources	Reliance Gas Pipeline Co	2-03-89	B		
ST89-2123 ARKLA Energy Resources	Northern Intrastate Pipeline Co	2-03-89	B		
ST89-2124 ARKLA Energy Resources	Mobil Vanderbilt-Beaumont Pipeline Co	2-03-89	B		
ST89-2125 Tennessee Gas Pipeline Co	Energy Marketing Exchange, Inc	2-06-89	G-S		
ST89-2126 Enserch Gas Transmission Co	Trunkline Gas Co	2-06-89	C		
ST89-2127 Acadian Gas Pipeline System	Columbia Gas Transmission Corp	2-06-89	C		
ST89-2128 Red River Pipeline	United Gas Pipe Line Co	2-06-89	C	7-06-89	36.00
ST89-2129 Columbia Gulf Transmission Co	Equitrans, Inc	2-03-89	G		
ST89-2130 ANR Pipeline Co	Columbia Gas of Pennsylvania, Inc	2-03-89	B		
ST89-2131 ANR Pipeline Co	Texas Eastern Transmission Corp	2-03-89	G		
ST89-2132 ANR Pipeline Co	Michigan Consolidated Gas Co	2-03-89	B		
ST89-2133 Transcontinental Gas Pipe Line Corp	North Carolina Natural Gas Corp	2-06-89	B		
ST89-2134 Trunkline Gas Co	Anadarko Trading Co	2-06-89	G-S		
ST89-2135 Northern Natural Gas Co	PSI, Inc	2-06-89	G-S		
ST89-2136 Trunkline Gas Co	TXG Gas Marketing Co	2-07-89	G-S		
ST89-2137 Natural Gas Pipeline Co. of America	Entrade Corp	2-07-89	G-S		
ST89-2138 Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	2-07-89	B		
ST89-2139 Natural Gas Pipeline Co. of America	Illinois Power Co	2-07-89	B		
ST89-2140 Natural Gas Pipeline Co. of America	Northern Indiana Public Service Co	2-07-89	B		
ST89-2141 Southern Natural Gas Co	Apache Transmission Corp	2-07-89	G-S		
ST89-2142 Southern Natural Gas Co	Chevron U.S.A., Inc	2-07-89	G-S		
ST89-2143 Southern Natural Gas Co	Stellar Gas Co	2-07-89	G-S		
ST89-2144 Southern Natural Gas Co	South Carolina Pipeline Corp	2-07-89	B		
ST89-2145 Southern Natural Gas Co	Alabama Gas Corp	2-07-89	B		
ST89-2146 Southern Natural Gas Co	South Carolina Pipeline Corp	2-07-89	B		
ST89-2147 Southern Natural Gas Co	Atlanta Gas Light Co	2-07-89	G-S		
ST89-2148 South Georgia Natural Gas Co	SNG Intrastate Pipeline, Inc	2-07-89	B		
ST89-2149 Southern Natural Gas Co	Columbia Nitrogen Corp	2-07-89	G-S		
ST89-2150 Colorado Interstate Gas Co	Cheyenne Light, Fuel & Power Co	2-07-89	B		
ST89-2151 Texas Gas Transmission Corp	Alabama Gas Corp., Et Al	2-08-89	B		
ST89-2152 Texas Gas Transmission Corp	NGC Intrastate Pipeline Co	2-08-89	B		
ST89-2153 Texas Gas Transmission Corp	Mobay Corp	2-08-89	G-S		
ST89-2154 Transwestern Pipeline Co	Apache Marketing, Inc	2-08-89	G-S		
ST89-2155 Natural Gas Pipeline Co. of America	Natural Gas Clearinghouse, Inc	2-08-89	G-S		
ST89-2156 Natural Gas Pipeline Co. of America	Northern Indiana Public Service Co	2-08-89	B		
ST89-2157 ONG Transmission Co	Natural Gas Pipeline Co. of America	02-08-89	C	7-08-89	24.32
ST89-2158 ONG Transmission Co	Panhandle Eastern Pipe Line Co	2-08-89	C	7-08-89	24.32
ST89-2159 ONG Transmission Co	Phillips Gas Pipeline Co	2-08-89	C	7-08-89	24.32
ST89-2160 Northwest Pipeline Corp	Williams Gas Marketing Co	2-08-89	G-S		
ST89-2161 Northwest Pipeline Corp	TXO Production Corp	2-08-89	G-S		
ST89-2162 Northern Natural Gas Co	City of West Bend	2-08-89	B		
ST89-2163 Northern Natural Gas Co	Minnegasco, Inc	2-08-89	B		
ST89-2164 Colorado Interstate Gas Co	Access Energy Pipeline Co	2-08-89	B		
ST89-2165 United Gas Pipe Line Co	Texaco Gas Marketing, Inc	2-08-89	G-S		
ST89-2166 United Gas Pipe Line Co	Sabine-DeSoto Pipeline Co., Inc	2-08-89	B		
ST89-2167 Northern Natural Gas Co	Polaris Corp	2-08-89	B		
ST89-2168 ONG Transmission Co	Kansas Power and Light Co	2-09-89	C	7-09-89	24.32
ST89-2169 Trunkline Gas Co	CSX NGL Corp	2-09-89	G-S		
ST89-2170 Trunkline Gas Co	Central Illinois Public Service Co	2-09-89	B		
ST89-2171 Trunkline Gas Co	ANR Gathering Co	2-09-89	G-S		

Docket No.[1] and Transporter/Seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-2172 Trunkline Gas Co	Bishop Pipeline Corp	2-09-89	B		
ST89-2173 Trunkline Gas Co	Central Illinois Light Co	2-09-89	B		
ST89-2174 Trunkline Gas Co	Conoco, Inc	2-09-89	G-S		
ST89-2175 Tennessee Gas Pipeline Co	South Carolina Pipeline Corp	2-09-89	B		
ST89-2176 Transok, Inc	Valero Interstate Transmission Co	2-09-89	C	07-09-89	32.50
ST89-2177 Texas Eastern Transmission Corp	Valero Transmission, L.P	2-09-89	B		
ST89-2178 Texas Eastern Transmission Corp	Philadelphia Electric Co	2-09-89	B		
ST89-2179 Williams Natural Gas Co	Washburn Univ. of Topeka	2-09-89	G-S		
ST89-2180 Williams Natural Gas Co	ARMCO, Inc	2-09-89	G-S		
ST89-2181 Williams Natural Gas Co	Mountain Iron & Supply Co	2-09-89	G-S		
ST89-2182 Williams Natural Gas Co	End Users Supply System	2-09-89	G-S		
ST89-2183 United Gas Pipe Line Co	Houston Gas Exchange Corp	2-09-89	G-S		
ST89-2184 United Gas Pipe Line Co	Polaris Corp	2-09-89	G-S		
ST89-2185 United Gas Pipe Line Co	Health Petra Resources, Inc	2-09-89	G-S		
ST89-2186 Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	2-09-89	B		
ST89-2187 Transcontinental Gas Pipe Line Corp	Taylor Energy Co	2-09-89	G-S		
ST89-2188 Colorado Interstate Gas Co	Exxon Corp	2-09-89	G-S		
ST89-2189 Natural Gas Pipeline Co. of America	Coastal Gas Marketing Co	2-10-89	G-S		
ST89-2190 Natural Gas Pipeline Co. of America	Illinois Power Co	2-10-89	B		
ST89-2191 Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	2-10-89	B		
ST89-2192 Columbia Gulf Transmission Co	Chevron U.S.A., Inc	2-13-89	G-S		
ST89-2193 Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	2-10-89	B		
ST89-2194 Transcontinental Gas Pipe Line Corp	Orange and Rockland Utilities, Inc	2-10-89	B		
ST89-2195 Transcontinental Gas Pipe Line Corp	Southwestern Virginia Gas Co	2-10-89	B		
ST89-2196 Brooklyn Union Gas Co	Clinton Newberry Nat. Gas Authority	2-13-89	D		
ST89-2197 ONG Transmission Co	Northern Natural Gas Co	2-13-89	C	07-13-89	24.32
ST89-2198 Northern Border Pipeline Co	Northern Natural Gas Co	2-13-89	G		
ST89-2199 Tennessee Gas Pipeline Co	Texas-Ohio Gas, Inc	2-13-89	G-S		
ST89-2200 Tennessee Gas Pipeline Co	NYCOTEX Gas Transport, Inc	2-13-89	B		
ST89-2201 Tennessee Gas Pipeline Co	United Gas Pipe Line Co	2-13-89	G		
ST89-2202 Northwest Pipeline Corp	Northwest Natural Gas Co	2-13-89	B		
ST89-2203 Northwest Pipeline Corp	Southern California Gas Co	2-13-89	B		
ST89-2204 Northwest Pipeline Corp	Presidio Exploration, Inc	2-13-89	G-S		
ST89-2205 Northwest Pipeline Corp	Cascade Natural Gas Corp	2-13-89	B		
ST89-2206 Northwest Pipeline Corp	Williams Gas Marketing Co	2-13-89	G-S		
ST89-2207 Transok, Inc	Natural Gas Pipeline Co. of America	2-13-89	C	07-13-89	32.50
ST89-2208 Natural Gas Pipeline Co. of America	North Shore Gas Co	2-14-89	B		
ST89-2209 Natural Gas Pipeline Co. of America	Llano, Inc	2-14-89	B		
ST89-2210 Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co	2-14-89	B		
ST89-2211 Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	2-14-89	B		
ST89-2212 Natural Gas Pipeline Co. of America	Northern Indiana Public Service Co	2-14-89	B		
ST89-2213 Natural Gas Pipeline Co. of America	Central Illinois Light Co	2-14-89	B		
ST89-2214 Natural Gas Pipeline Co. of America	North Shore Gas Co	2-14-89	B		
ST89-2215 Transwestern Pipeline Co	Southern California Gas Co	2-14-89	B		
ST89-2216 Northern Natural Gas Co	Northern Border Pipeline Co	2-14-89	G		
ST89-2217 Northern Natural Gas Co	Enron Gas Marketing, Inc	2-14-89	G-S		
ST89-2218 Northern Natural Gas Co	Wisconsin Gas Co	2-14-89	B		
ST89-2219 Northern Natural Gas Co	Phillips 66 Natural Gas Co	2-14-89	G-S		
ST89-2220 Northern Natural Gas Co	Energy Dynamics, Inc	2-14-89	G-S		
ST89-2221 Northern Natural Gas Co	Centram Corp	2-14-89	G-S		
ST89-2222 Williams Natural Gas Co	Victoria Gas Corp	2-14-89	G-S		
ST89-2223 Williams Natural Gas Co	Conoco, Inc	2-14-89	G-S		
ST89-2224 Northwest Pipeline Corp	Cascade Natural Gas Corp	2-14-89	B		
ST89-2225 Northwest Pipeline Corp	Northwest Natural Gas Co	2-14-89	B		
ST89-2226 Columbia Gulf Transmission Co	Commonwealth Gas Co	2-14-89	B		
ST89-2227 Columbia Gulf Transmission Co	Alabama-Tennessee Natural Gas Co	2-14-89	B		
ST89-2228 Williston Basin Interstate P/L Co	Montana-Dakota Utilities Co	2-15-89	B		
ST89-2229 Williston Basin Interstate P/L Co	NGC Intrastate Pipeline Co	2-15-89	B		
ST89-2230 Williston Basin Interstate P/L Co	Associated Intrastate Pipeline Co	2-15-89	B		
ST89-2231 Williston Basin Interstate P/L Co	Quivira Gas Co	2-15-89	B		
ST89-2232 Williston Basin Interstate P/L Co	Wyoming Gas Co	2-15-89	B		
ST89-2233 Williston Basin Interstate P/L Co	Montana-Dakota Utilities Co	2-15-89	B		
ST89-2234 Williston Basin Interstate P/L Co	Cody Gas Co	2-15-89	B		
ST89-2235 Williston Basin Interstate P/L Co	Montana-Dakota Utilities Co	2-15-89	B		
ST89-2236 Southern Natural Gas Co	City of Lafayette	2-15-89	G-S		
ST89-2237 Enserch Gas Transmission Co	Trunkline Gas Co	2-15-89	C		
ST89-2238 Natural Gas Pipeline Co. of America	Entex, Inc	2-15-89	B		
ST89-2239 Enogex Inc	Arkla Energy Resources	2-02-89	C	07-02-89	28.50
ST89-2240 Enogex Inc	Phillips Gas Pipeline Co	2-02-89	C	07-02-89	28.50
ST89-2241 Enogex Inc	Phillips Gas Pipeline Co	2-02-89	C	07-02-89	28.50
ST89-2242 Enogex Inc	Phillips Gas Pipeline Co	2-02-89	C	07-02-89	28.50
ST89-2243 Enogex Inc	Phillips Gas Pipeline Co	2-02-89	C	07-02-89	28.50
ST89-2244 Southern Natural Gas Co	City of Sylvania	2-15-89	G-S		
ST89-2245 Southern Natural Gas Co	City of Dyersburg, Et al	2-15-89	B		
ST89-2246 Southern Natural Gas Co	Chattanooga Gas Co	2-15-89	B		
ST89-2247 Southern Natural Gas Co	City of Warner Robins	2-15-89	G-S		
ST89-2248 Southern Natural Gas Co	Mississippi Valley Gas Co	2-15-89	B		

Docket No.[1] and Transporter/Seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-2249 Southern Natural Gas Co	W.R. Grace & Co	2-15-89	G-S		
ST89-2250 Southern Natural Gas Co	PSI, Inc	2-15-89	G-S		
ST89-2251 Southern Natural Gas Co	City of Hawkinsville	2-15-89	G-S		
ST89-2252 Southern Natural Gas Co	Sonat Marketing Co	2-15-89	G-S		
ST89-2253 Southern Natural Gas Co	Sonat Matketing Co	2-15-89	G-S		
ST89-2254 Texas Eastern Transmission Corp	Baltimore Gas and Electric Co	2-15-89	B		
ST89-2255 Texas Eastern Transmission Corp	Bayou Industrial Gas Corp	2-15-89	B		
ST89-2256 Natural Gas Pipeline Co. of America	Clinton Gas Transmission, Inc	2-16-89	G-S		
ST89-2257 Natural Gas Pipeline Co. of America	Mississippi Valley Gas Co	2-16-89	B		
ST89-2258 Natural Gas Pipeline Co. of America	Indiana Gas Co., Inc	2-16-89	B		
ST89-2259 Natural Gas Pipeline Co. of America	Clinton Gas Tranmsmission, Inc	2-16-89	G-S		
ST89-2260 Natural Gas Pipeline Co. of America	Archer Daniels Midland Co	2-16-89	G-S		
ST89-2261 BP Gas Transmission Co	ANR Pipeline Co., et al	2-16-89	C	07-16-89	13.70
ST89-2262 Lone Star Gas Co	El Paso Natural Gas Co	2-16-89	C		
ST89-2263 United Gas Pipeline Co	Laser Marketing Co	2-16-89	G-S		
ST89-2264 United Gas Pipeline Co	Entrade Corp	2-16-89	G-S		
ST89-2265 United Gas Pipeline Co	Midcon Marketing Corp	2-16-89	G-S		
ST89-2266 United Gas Pipeline Co	Natural Gas Clearinghouse, Inc	2-16-89	G-S		
ST89-2267 United Gas Pipeline Co	Elizabeth Natural Gas Co	2-16-89	G-S		
ST89-2268 United Gas Pipeline Co	Midcon Marketing Corp	2-16-89	G-S		
ST89-2269 United Gas Pipeline Co	Midcon Marketing Corp	2-16-89	G-S		
ST89-2270 United Gas Pipeline Co	Midcon Marketing Corp	2-16-89	G-S		
ST89-2272 Northwest Pipeline Corp	Natural Gas Clearinghouse, Inc	2-16-89	G-S		
ST89-2273 Northwest Pipeline Corp	Williams Gas Marketing Co	2-16-89	G-S		
ST89-2274 Northwest Pipeline Corp	Utah Gas Service Co	2-17-89	G-S		
ST89-2275 Northwest Pipeline Corp	James River II, Inc	2-17-89	G-S		
ST89-2276 Northwest Pipeline Corp	CP National Corp	2-17-89	G-S		
ST89-2277 Northwest Pipeline Corp	Universal Frozen Foods Corp	2-17-89	G-S		
ST89-2278 Natural Gas Pipeline Co. of America	Winnie Pipeline Co	2-17-89	B		
ST89-2279 Natural Gas Pipeline Co. of America	Wisconsin Natural Gas Co	2-17-89	B		
ST89-2280 Michigan Gas Storage Co	Consumers Power Co	2-21-89	B		
ST89-2281 Gas Co. of NM (Div. Public Serv. Co. NM)	EL Paso Natural Gas Co	2-21-89	G-HT		
ST89-2282 United Texas Transmission Co	United Gas Pipe Line Co., et al	2-21-89	C		
ST89-2283 Palute Pipeline Co	CP National Corp	2-21-89	G-S		
ST89-2284 Natural Gas Pipeline Co. of America	Memphis Light, Gas and Water Division	2-21-89	B		
ST89-2285 Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	2-21-89	B		
ST89-2286 Natural Gas Pipeline Co. of America	TransAmerican Gas Transmission Corp	2-21-89	B		
ST89-2287 United Gas Pipe Line Co	Victoria Gas Corp	2-21-89	G-S		
ST89-2288 United Gas Pipe Line Co	Texican Gas Marketing Co	2-21-89	G-S		
ST89-2289 United Gas Pipe Line Co	OXY U.S.A., Inc	2-21-89	G-S		
ST89-2290 United Gas Pipe Line Co	Entrade Corp	2-21-89	G-S		
ST89-2291 United Gas Pipe Line Co	Tejas Power Corp	2-21-89	G-S		
ST89-2292 United Gas Pipe Line Co	Reliance Pipeline Co	2-21-89	B		
ST89-2293 United Gas Pipe Line Co	Sabine-DeSoto Pipeline Co., Inc	2-21-89	B		
ST89-2294 Tennessee Gas Pipeline Co	City of Savannah	2-21-89	B		
ST89-2295 Tennessee Gas Pipeline Co	Brooklyn Union Exploration Co., Inc	2-21-89	G-S		
ST89-2296 United Gas Pipe Line Co	Entrade Corp	2-21-89	G-S		
ST89-2297 Williams Natural Gas Co	Certainteed Corp	2-21-89	G-S		
ST89-2298 Texas Eastern Transmission Corp	Monument Pipeline Co	2-21-89	B		
ST89-2299 Texas Eastern Transmission Corp	Louisville Gas & Electric Co	2-21-89	B		
ST89-2300 Texas Eastern Transmission Corp	Indiana Gas Co., Inc	2-21-89	B		
ST89-2301 Louisiana Intrastate Gas Corp	Creole Gas Pipeline Corp	2-21-89	C	07-21-89	27.44
ST89-2302 Trunkline Gas Co	Baltimore Gas & Electric Co., et al	2-21-89	B		
ST89-2303 Arkla Energy Resources	City of Bessemer City	2-21-89	B		
ST89-2304 Columbia Gulf Transmission Co	Olin Corp	2-21-89	G-S		
ST89-2305 Columbia Gulf Transmission Co	Monterey Pipeline Co	2-21-89	B		
ST89-2306 Columbia Gulf Transmission Co	System Supply for End-Users, Inc	2-21-89	G-S		
ST89-2308 United Gas Pipe Line Co	Pennzoil Gas Marketing Corp	2-21-89	G-S		
ST89-2309 United Gas Pipe Line Co	Entex, Inc	2-21-89	B		
ST89-2310 United Gas Pipe Line Co	Connecticut Light & Power Co	2-22-89	B		
ST89-2311 United Gas Pipe Line Co	NGC Intrastate Pipeline Co	2-22-89	B		
ST89-2312 United Gas Pipe Line Co	Houston Gas Exchange Corp	2-22-89	G-S		
ST89-2313 United Gas Pipe Line Co	First Chemical Corp	2-22-89	G-S		
ST89-2314 United Gas Pipe Line Co	Mississippi River Transmission Corp	2-23-89	G		
ST89-2315 Natural Gas Pipeline Co. of America	OXY NGL, Inc	2-22-89	G-S		
ST89-2316 Natural Gas Pipeline Co. of America	Natural Gas Clearinghouse, Inc	2-22-89	G-S		
ST89-2317 Moraine Pipeline Co	Wisconsin Natural Gas Co	2-22-89	B		
ST89-2318 Moraine Pipeline Co	Wisconsin Natural Gas Co	2-22-89	B		
ST89-2319 United Gas Pipe Line Co	Houston Gas Exchange Corp	2-22-89	G-S		
ST89-2320 Trunkline Gas Co	Louisiana Gas Marketing Co	2-22-89	B		
ST89-2321 Enserch Gas Transmission Co	Trunkline Gas Co	2-22-89	C		
ST89-2322 Texas Eastern Transmission Corp	Public Service Electric and Gas Co	2-22-89	B		
ST89-2323 Enogex Inc	National Gas Pipeline Co. of America	2-22-89	C	07-22-89	28.50
ST89-2324 Enogex Inc	National Gas Pipeline Co. of America	2-22-89	C	07-22-89	28.50
ST89-2325 ANR Pipeline Co	Wisconsin Public Service Corp	2-22-89	B		
ST89-2326 ANR Pipeline Co	Northern Indiana Fuel & Light Co	2-22-89	B		
ST89-2327 ANR Pipeline Co	Memphis Light, Gas and Water Division	2-22-89	B		

Docket No.[1] and Transporter/Seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-2328 ANR Pipeline Co	Peoples Natural Gas Co	2-22-89	B		
ST89-2329 ANR Pipeline Co	ANR Gathering Co	2-22-89	G-S		
ST89-2330 ANR Pipeline Co	Loutex Energy, Inc	2-22-89	G-S		
ST89-2331 ANR Pipeline Co	Centran Corp	2-22-89	G-S		
ST89-2332 ANR Pipeline Co	Fremont Co	2-22-89	G-S		
ST89-2333 ANR Pipeline Co	Entrade Corp	2-22-89	G-S		
ST89-2334 ANR Pipeline Co	Coastal Gas Marketing Co	2-22-89	G-S		
ST89-2335 ANR Pipeline Co	PSI, Inc	2-22-89	G-S		
ST89-2336 ANR Pipeline Co	Entrade Corp	2-22-89	G-S		
ST89-2337 ANR Pipeline Co	BP Gas Transmission Co	2-22-89	B		
ST89-2338 United Gas Pipe Line Co	Laster Marketing Co	2-22-89	G-S		
ST89-2339 Enogex Inc	British Petroleum	2-23-89	C	07-23-89	28.50
ST89-2340 Enogex Inc	ANR Pipeline Co	2-23-89	C	07-23-89	28.50
ST89-2341 Enogex Inc	Arkla Energy Resources	2-23-89	C	07-23-89	28.50
ST89-2342 Natural Gas Pipeline of America	Sun Gas Transmission L. P	2-23-89	G-S		
ST89-2343 Texas Gas Transmission Corp	Reed Minerals Div. Harsco Corp	2-23-89	G-S		
ST89-2344 Texas Gas Transmission Corp	Southern Gas Co	2-23-89	G-S		
ST89-2345 Texas Gas Transmission Corp	Polaris Pipeline Corp	2-23-89	G-S		
ST89-2346 Texas Gas Transmission Corp	Proctor & Gamble Manufacturing Co	2-23-89	G-S		
ST89-2347 Texas Gas Transmission Corp	Entrade Corp	2-23-89	G-S		
ST89-2348 Texas Gas Transmission Corp	Coastal Gas Marketing Co.	2-23-89	G-S		
ST89-2349 Tennessee Gas Pipeline Co	Shell Western E & P, Inc.	2-23-89	G-S		
ST89-2350 Tennessee Gas Pipeline Co	Catamount Natural Gas, Inc	2-23-89	G-S		
ST89-2351 Tennessee Gas Pipeline Co	Shell Offshore Inc	2-23-89	G-2		
ST89-2352 Cranberry Pipeline Corp.	Tennessee Gas Pipeline Co., et al	22-4-89	C	07-24-89	81.70
ST89-2353 United Texas Transmission Co	United Gas Pipe Line Co., et al	2-24-89	C		
ST89-2354 United Texas Transmission Co	United Gas Pipe Line Co.	2-24-89	C		
ST89-2355 United Texas Transmission Co	Natural Gas Pipeline Co. of America	2-24-89	C		
ST89-2356 Natural Gas Pipeline Co. of America	Southern California Gas Co.	2-24-89	B		
ST89-2357 Natural Gas Pipeline Co. of America	V.H.C. Pipeline, L.P.	2-24-89	B		
ST89-2358 Natural Gas Pipeline Co. of America	Southern California Gas Co.	2-24-89	B		
ST89-2359 Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co.	2-24-89	B		
ST89-2360 Natural Gas Pipeline Co. of America	UGI Corp.	2-24-89	B		
ST89-2361 Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co	2-24-89	B		
ST89-2362 Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	2-24-89	B		
ST89-2363 Natural Gas Pipeline Co. of America	Memphis Light, Gas and Water Division	2-24-89	B		
ST89-2364 Natural Gas Pipeline Co. of America	Mississippi Valley Gas Co	2-24-89	B		
ST89-2365 Natural Gas Pipeline Co. of America	North Shore Gas Co.	2-24-89	B		
ST89-2366 Natural Gas Pipeline Co. of America	Northern Illinois Gas Co	2-24-89	B		
ST89-2367 Natural Gas Pipeline Co. of America	Texas Industrial Energy Co	2-24-89	B		
ST89-2368 Oasis Pipe Line Co	Northern Natural Gas Co	2-24-89	C		
ST89-2369 Oasis Pipe Line Co	El Paso Natural Gas Co	2-24-89	C		
ST89-2370 Oasis Pipe Line Co	El Paso Natural Gas Co	2-24-89	C		
ST89-2371 Oasis Pipe Line Co	El Paso Natural Gas Co	2-24-89	C		
ST89-2372 Oasis Pipe Line Co	Natural Gas Pipeline Co of America	2-24-89	C		
ST89-2373 Houston Pipe Line Co	Natural Gas Pipeline Co. of America	2-24-89	C		
ST89-2374 Houston Pipe Line Co	Black Marlin Pipeline Co	2-24-89	C		
ST89-2375 Houston Pipe Line Co	Natural Gas Pipeline Co. of America	2-24-89	C		
ST89-2376 Houston Pipe Line Co	El Paso Natural Gas Co	2-24-89	C		
ST89-2377 Houston Pipe Line Co	Florida Gas Transmission Co	2-24-89	C		
ST89-2378 Houston Pipe Line Co	Natural Gas Pipeline Co. of America	2-24-89	C		
ST89-2379 Houston Pipe Line Co	Natural Gas Pipeline Co. of America	2-24-89	C		
ST89-2380 Houston Pipe Line Co	Transwestern Pipeline Co	2-24-89	C		
ST89-2381 Houston Pipe Line Co	Texas Eastern Transmission Corp	2-24-89	C		
ST89-2382 Houston Pipe Line Co	El Paso Natural Gas Co	2-24-89	C		
ST89-2383 Oasis Pipe Line Co	Transwestern Pipeline Co	2-24-89	C		
ST89-2384 Oasis Pipe Line Co	El Paso Natural Gas Co	2-24-89	C		
ST89-2385 Northern Natural Gas Co	Florida Gas Transmission Co	2-24-89	G		
ST89-2386 Northern Natural Gas Co	Hadson Gas Systems, Inc	2-24-89	G-S		
ST89-2387 Northern Natural Gas Co	Northern Minnesota Utilities	2-24-89	B		
ST89-2388 Northern Natural Gas Co	Damson Oil Corp	2-24-89	G-S		
ST89-2389 Northern Natural Gas Co	Enron Gas Marketing, Inc	2-24-89	G-S		
ST89-2390 Northern Natural Gas Co	Chevron U.S.A., Inc	2-24-89	G-S		
ST89-2391 Northern Natural Gas Co	Meridian Oil Hydrocarbons, Inc	2-24-89	B		
ST89-2392 United Gas Pipe Line Co	Lasalle Marketing Co	2-24-89	G-S		
ST89-2393 United Gas Pipe Line Co	Gulf States Pipeline Corp	2-24-89	B		
ST89-2394 United Gas Pipe Line Co	Mississippi Valley Gas Co	2-24-89	B		
ST89-2395 Northwest Pipeline Corp	FINA Oil and Chemical Co	2-24-89	G-S		
ST89-2396 Tennessee Gas Pipeline Co	Coastal Gas Marketing Co	2-24-89	G-S		
ST89-2397 Tennessee Gas Pipeline Co	Amtex Gas & Minerals, Inc	2-24-89	G-S		
ST89-2398 El Paso Natural Gas Co	Meridian Oil Hydrocarbons, Inc	2-24-89	B		
ST89-2399 El Paso Natural Gas Co	Hondo Oil & Gas Co	2-24-89	G-S		
ST89-2400 Monterey Pipeline Co	Trunkline Gas Co., et al	2-27-89	C	7-27-89	24.40
ST89-2401 Utah Gas Service Co	Northwest Pipeline Corp	2-24-89	C	7-24-89	18.00
ST89-2402 Utah Gas Service Co	Northwest Pipeline Corp	2-24-89	C	7-24-89	18.00
ST89-2403 Utah Gas Service Co	Northwest Pipeline Corp	2-24-89	C	7-24-89	18.00
ST89-2404 BP Gas Transmission Co	Texas Eastern Trans. Corp., et al	2-27-89	C	7-27-89	21.00

Docket No.[1] and Transporter/Seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST89-2405 Paiute Pipeline Co	Natural Gas Clearinghouse, Inc	2-24-89	G-S		
ST89-2406 BP Gas Transmission Co	Texas Eastern Trans. Corp., et al	2-27-89	C	7-27-89	21.00
ST89-2407 United Gas Pipe Line Co	Marathon Oil Co	2-27-89	G-S		
ST89-2408 United Gas Pipe Line Co	Houston Gas Exchange Corp	2-27-89	G-S		
ST89-2409 United Gas Pipe Line Co	Laser Marketing Co	2-27-89	G-S		
ST89-2410 United Gas Pipe Line Co. of America	Northern Indiana Public Service Co	2-27-89	B		
ST89-2411 United Gas Pipe Line Co. of America	Public Service Electric and Gas Co	2-27-89	B		
ST89-2412 United Gas Pipe Line Co	Centran Corp	2-27-89	G-S		
ST89-2413 United Gas Pipe Line Co	Catamount Natural Gas, Inc	2-27-89	G-S		
ST89-2414 United Gas Pipe Line Co	Loutex Energy, Inc	2-27-89	G-S		
ST89-2415 Colorado Interstate Gas Co	Sun Gas Transmission L. P	2-27-89	B		
ST89-2416 Colorado Interstate Gas Co	Wyoming Gas Co	2-27-89	B		
ST89-2417 Williams Natural Gas Co	Amoco Production Co	2-27-89	G-S		
ST89-2418 Brooklyn Union Gas Co	Piedmont Natural Gas Co	2-28-89	D		
ST89-2419 Tennessee Gas Pipeline Co	Baltimore Gas & Electric Co., et al	2-28-89	B		
ST89-2420 Tennessee Gas Pipeline Co	Phillips Petroleum Co	2-28-89	G-S		
ST89-2421 Ozona Residue Systems Co	Northern Natural Gas Co	2-17-89	C		
ST89-2422 Natural Gas Pipeline Co. of America	Valero Interstate Transmission Co	2-28-89	G		
ST89-2423 BP Gas Transmission Co	ANR Pipeline Co., et al	02-28-89	C	7-28-89	13.70
ST89-2424 BP Gas Transmission Co	ANR Pipeline Co., et al	02-28-89	C	7-28-89	13.70
ST89-2425 Texas Gas Transmission Corp	Columbia Gas Transmission Corp	02-28-89	G		
ST89-2426 United Gas Pipe Line Co	Citizens Gas Supply Corp	02-28-89	G-S		
ST89-2427 Southern Natural Gas Co	South Carolina Pipeline Corp	02-28-89	B		
ST89-2428 Southern Natural Gas Co	South Georgia Natural Gas Co	02-28-89	G-S		
ST89-2429 Southern Natural Gas Co	Enron Gas Marketing, Inc	02-28-89	G-S		
ST89-2430 South Georgia Natural Gas Co	Access Energy Pipeline Corp	02-28-89	B		
ST89-2431 Southern Natural Gas Co	Texican Natural Gas Co	02-28-89	G-S		
ST89-2432 Southern Natural Gas Co	United Cities Gas Co	02-28-89	B		
ST89-2433 Southern Natural Gas Co	SNG Intrastate Pipeline, Inc	02-28-89	B		
ST89-2434 Southern Natural Gas Co	South Georgia Natural Gas Co	02-28-89	G-S		
ST89-2435 Southern Natural Gas Co	Shell Gas Trading Co	02-28-89	G-S		
ST89-2436 Southern Natural Gas Co	United Cities Gas Co	02-28-89	B		
ST89-2437 Southern Natural Gas Co	Texas-Ohio Gas, Inc	02-28-89	G-S		
ST89-2438 Columbia Gulf Transmission Co	Bridgeline Gas Distribution Co	02-28-89	B		
ST89-2439 Columbia Gulf Transmission Co	Texas Eastern Gas Pipeline Co	02-28-89	G		
ST89-2440 Columbia Gulf Transmission Co	Nashville Gas Co	02-28-89	B		
ST89-2441 Williams Natural Gas Co	City of Hamilton	02-28-89	G-S		
ST89-2442 Williams Natural Gas Co	City of Howard	02-28-89	G-S		
ST89-2443 Texas Eastern Transmission Corp	Neches Gas Distribution Co	02-28-89	B		
ST89-2444 Texas Eastern Transmission Corp	Philadelphia Electric Co	02-28-89	B		
ST89-2445 Texas Eastern Transmission Corp	Philadelphia Electric Co	02-28-89	B		
ST89-2446 Texas Eastern Transmission Corp	Monterey Pipeline Co	02-28-89	B		
ST89-2447 Texas Eastern Transmission Corp	Tomcat	02-28-89	B		
ST89-2448 Texas Eastern Transmission Corp	United Cities Gas Co	02-28-89	B		
ST89-2449 Texas Eastern Transmission Corp	City of Charlottesville	02-28-89	B		
ST89-2450 Texas Eastern Transmission Corp	Seagull Shoreline System	02-28-89	B		
ST89-2451 Texas Eastern Transmission Corp	City of Anna	02-28-89	B		
ST89-2452 Texas Eastern Transmission Corp	Baltimore Gas and Electric Co	02-28-89	B		
ST89-2453 Texas Eastern Transmission Corp	Union Electric Co	02-28-89	B		
ST89-2454 Texas Eastern Transmission Corp	Memphis Light, Gas and Water Co	02-28-89	B		
ST89-2455 Texas Eastern Transmission Corp	Louisiana Gas Marketing Co	02-28-89	B		
ST89-2456 Texas Eastern Transmission Corp	South Jersey Gas Co	02-28-89	B		
ST89-2457 Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc	02-28-89	B		
ST89-2458 Texas Eastern Transmission Corp	Cincinnati Gas and Electric Co	02-28-89	B		
ST89-2459 Texas Eastern Transmission Corp	Orange and Rockland Utilities, Inc	02-28-89	B		
ST89-2460 Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	03-01-89	C		
ST89-2461 Delhi Gas Pipeline Corp	El Paso Natural Gas Co	03-01-89	C		
ST89-2462 Delhi Gas Pipeline Corp	Transwestern Pipeline Co	03-01-89	C	7-29-89	35.00
ST89-2463 Delhi Gas Pipeline Corp	Northern Natural Gas Co	03-01-89	C	7-29-89	35.00
ST89-2464 Enogex Inc	Southern California Gas Co	02-28-89	C	7-28-89	26.50
ST89-2465 Enogex Inc	Phillips Gas Pipeline Co	02-28-89	C	7-28-89	26.50

[1] Notice of transactions does not constitute a determination that filings comply with Commission Regulations in accordance with Order No. 436 (Final Rule and Notice requesting supplemental comments, 50 FR 42,372, 10/18/85).

[2] The Intrastate Pipeline has sought Commission approval of its Transportation Rate pursuant to Section 284.123(B)(2) of the Commission's Regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 89-9920 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-1212-000, et al.]

Williams Natural Gas Company, et al.; Natural Gas Certificate Filings

April 19, 1989.

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP89-1212-000]

Take notice that on April 14, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89-1212-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide transportation for National Energy Systems, Inc. (National) under WNG's blanket certificate issued in Docket No. CP86-631-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG requests authorization to transport, on an interruptible basis, up to a maximum of 260 MMBtu equivalent of natural gas per day for National from various receipt points in Kansas, Missouri, Oklahoma, Texas and Wyoming to various delivery points on WNG's pipeline system located in Kansas. WNG anticipates transporting 140 MMBtu equivalent of natural gas on an average day and 51,100 MMBtu equivalent of natural gas on an annual basis. WNG states that no new facilities are required to effectuate this proposal. WNG states that it has no knowledge of any agency relationship under which a local distributing company or an affiliate of National will receive natural gas on behalf of National. WNG states that the transportation of natural gas for National commenced on February 22, 1989, as reported in Docket No. ST89–2791–000, for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations and the blanket certificate issued to WNG in Docket No. CP86–631–000.

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Northern Natural Gas Company Division of Enron Corp.

[Docket No. CP89–1194–000]

Take notice that on April 11, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89–1194–000 a request pursuant to Northern's blanket authority granted on September 1, 1982, in Docket No. CP82–401–000 and §§ 157.205 and 157.212 of the Commission's Regulations (18 CFR 157.205 and 157.212) for authority to realign certain firm sales entitlements among existing delivery points for Wisconsin Gas Company (Wisconsin Gas), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern requests authority to realign certain firm sales entitlements under Rate Schedule CD–1 among existing delivery points at communities served by Wisconsin Gas. Northern indicates that the proposed realignment of entitlements would not affect the total level of certificated firm sales service provided by Northern to Wisconsin Gas. Northern states that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the changes proposed herein without detriment or disadvantage to its other customers.

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Questar Pipeline Company

[Docket No. CP89–1074–000]

Take notice that on March 24, 1989, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP89–1074–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas on behalf of Chevron U.S.A., Inc. (Chevron), under Questar's blanket certificate issued in Docket No. CP88–650–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Questar proposes to transport, on an interruptible basis, up to 14,000 MMBtu equivalent on a peak day, 14,000 MMBtu equivalent on an average day and 5,110,000 MMBtu equivalent on an annual basis for Chevron. It is stated that Questar would receive the gas at existing points on Questar's system in Sublette County, Wyoming, and would deliver equivalent volumes at an existing interconnection with Northwest Pipeline Corporation in Sublette County, Wyoming. It is asserted that Questar would use existing facilities for the transportation service and no construction of additional facilities would be required. It is explained that the transportation service commenced March 1, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89–2793.

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Questar Pipeline Company

[Docket No. CP89–1075–000]

Take notice that on March 24, 1989, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP89–1075–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Exxon Corporation (Exxon), under its blanket certificate issued in Docket No. CP88–650–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Questar states that pursuant to a transportation agreement dated February 24, 1989, under its Rate Schedule T–2, it would transport up to 115,000 MMBtu per day equivalent of natural gas for Exxon from various receipt points on its system in Wyoming. Questar further states that it would redeliver the natural gas to Exxon or for Exxon's account in Colorado and Wyoming. Questar indicates the average daily and estimated annual quantities would be equivalent to 50,000 MMBtu and 18,250,000 MMBtu, respectively.

Questar states that it commenced the transportation of natural gas for Exxon on March 1, 1989, as reported in Docket No. ST89–2794–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulation (18 CFR 284.223(a)).

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Williams Natural Gas Company

[Docket No. CP89–1228–000]

Take notice that on April 17, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89–1228–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of the City of Neodesha, Kansas (Neodesha), a local distribution company, under WNG's blanket certificate issued in Docket No. CP86–631–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WNG requests authorization to transport, on an interruptible basis, up to a maximum of 3,000 MMBtu of natural gas per day for Neodesha from receipt points located in Kansas, Missouri, Oklahoma, Texas and Wyoming to delivery points on WNG's pipeline located in Kansas. WNG anticipates transporting, on an average day 645 MMBtu and an annual volume of 235,425 MMBtu.

WNG states that the transportation of natural gas for Neodesha commenced March 17, 1989, as reported in Docket No. ST89–2805–000, for a 120–day period pursuant to § 284.223(a) of the Commission's Regulations and the

blanket certificate issued to WNG in Docket No. CP86–631–000.

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. El Paso Natural Gas Company

[Docket No. CP89–1207–000]

Take notice that on April, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed a request for authorization at Docket No. CP89–1207–000, pursuant to §§ 157.205 and 284.223(b) of the Federal Energy Regulatory Commission's (Commission) Regulations Under the Natural Gas Act, to provide interruptible transportation service for Phillips Natural Gas Company (Shipper), under its blanket certificate issued at Docket No. CP88–433–000, all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

El Paso requests authority to transport up to 126,000 MMBtu of natural gas per day for Shipper from any point of receipt on El Paso's system to various delivery points located in Arizona and Texas. El Paso states that the estimated daily and annual quantities would be 84,400 MMBtu and 30,806,000 MMBtu, respectively. El Paso further states that this transportation service under § 284.223(a) commenced on March 10, 1989, as reported with the Commission at Docket No. ST89–2851–000

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company Division of Enron Corporation

[Docket No. CP89–1172–000]

Take notice that on April 7, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, Houston, Texas 77251–1188 filed in Docket No. CP89–1172–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Transco Energy Marketing Company (Transco), under the certificate issued in Docket No. CP86–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern states that it proposes to transport up to 100,000 MMBtu of natural gas per day for Transco, on a peak day, 75,000 MMBtu on an average day, and 36,500,000 MMBtu annually, under Rate Schedule IT–1. This service was reported to the Commission in Docket No. ST89–2754–000. Northern further states that construction of facilities will not be required to provide the proposed service.

Comment date: June 5, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraph

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–9923 Filed 4–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–968–000]

ANR Pipeline Co.; Request Under Blanket Authorization

March 13, 1989.

Take notice that on March 8, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89–968–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of The Fremont Company (Fremont), under ANR's blanket certificate issued in Docket No. CP88–532–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR requests authorization to transport, on an interruptible basis, up to a maximum of 700 dekatherms of natural gas per day for Fremont, a marketer of natural gas, from a receipt point located in Vermilion Parish, Louisiana to a delivery point located in Van Wert County, Ohio. ANR anticipates transporting an annual volume of 255,500 dekatherms.

ANR states that the transportation of natural gas for Fremont commenced January 25, 1989, as reported in Docket No. ST89–2332–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to ANR in Docket No. CP88–532–000.

Any person or the Commission's staff may, within 45 days issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–9933 Filed 4–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–45–017]

Arkla Energy Resources, a Division of Arkla, Inc.; Proposed Change in FERC Gas Tariff

April 20, 1989.

Take notice that on April 17, 1989, Arkla Energy Resources (AER), a division of Arkla, Inc. tendered for filing the following tariff sheet to its FERC Gas Tariff, Original Volume No. 1–A:

First Substitute Second Revised Sheet No. 82

and the following tariff sheet to its FERC Gas Tariff, First Revised Volume No. 1:

First Substitute Twelfth Revised Sheet No. 12D.

AER states that on February 17, 1989, it tendered for filing tariff sheets in compliance with the Commission's order approving the Stipulation and Agreement Regarding Interim Rates. Due to clerical and pagination error, the Commission Staff requested that AER make changes in its filing. This filing represents those changes.

Also, AER is withdrawing, from its February 17, 1989 filing, the following tariff sheets from its FERC Gas Tariff, Original Volume No. 1–A:

Third Revised Sheet Nos. 32 through 40.

These sheets had already been accepted by the Commission and were inadvertently added to the filing.

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protests must be filed by April 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9924 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-75-001]

Black Marlin Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 20, 1989.

Take notice that Black Marlin Pipeline Company (Black Marlin) on April 17, 1989, tendered for filing a revision in its FERC Gas Tariff in compliance with the Commission's Order dated March 31, 1989 in this proceeding. Black Marlin states that the filing reflects revisions in its FTS/OCS, ITS/OCS Transportation Rate Schedule as prescribed by the Commission in that Order. Black Marlin has requested that the proposed filing be made effective April 1, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before April 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9925 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-80-002]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 20, 1989.

On April 14, 1989, CNG Transmission Corporation ("CNG") submitted for filing, as part of its FERC Gas Tariff Original Volume No. 1, the following tariff sheet:

Substitute Original Sheet No. 127-A.

CNG has requested that the Commission permit this filing to become effective as of April 1, 1989. This tariff sheet is being filed in compliance with Commission Order Nos. 509 and 509-A, and the letter order dated March 31, 1989.

CNG states that copies of the filing were served upon all of its Volume No. 1 customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests shall be filed on or before April 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9926 Filed 4-25-89 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-37-000 and RP89-82-000]

High Island Offshore System; Informal Settlement Conference

April 20, 1989

Take notice that an informal settlement conference will be convened in the above-designated proceeding on May 10, 1989, at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426.

High Island is now scheduled to distribute its settlement proposal to the parties and Staff on May 4, 1989. The parties and Staff are invited to attend in order to begin settlement negotiations. Persons wishing to become a party to this proceeding must move to intervene pursuant to the Commission's Regulations (18 CFR 385-214 (1985)) and have their motion granted.

For additional information, please contact Staff Counsel Robert L. Woods at (202) 357-8549.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9934 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-259-010]

Northern Natural Gas. Co., Division of Enron Corp.; Proposed Changes in FERC Gas Tariff

April 20, 1989.

Take notice that Northern Natural Gas Company, Division of Enron Corp., (Northern) on April 17, 1989, tendered for filing revised changes in its F.E.R.C. Gas Tariff in compliance with the Commission's Order dated March 31, 1989 in this proceeding.

The Company states that copies of the filing have been mailed to each of its customers purchasing gas and receiving transportation and gathering services under its F.E.R.C. Gas Tariff and to interested State Commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Stret NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests must be filed on or before April 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9927 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-4-29-000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

April 20, 1989.

Take notice that on April 17, 1989, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following tariff sheets to its FERC Gas Tariff Original Volume No. 1:

To Be Effective September 29, 1988

Third Substitute Original Sheet No. 3–C.7
Third Substitute Original Sheet No. 3–C.8
Third Substitute Original Sheet No. 3–C.9

To Be Effective November 28, 1988

Second Substitute Original Sheet No. 3–C.13
Second Substitute Original Sheet No. 3–C.14
Second Substitute Original Sheet No. 3–C.15

Panhandle states that the proposed tariff sheets are being filed in compliance with Ordering Paragraph (B) of the Commission's September 28, 1988 Order in Docket No. RP88–240–000 and Ordering Paragraph (D) of the Commission's November 25, 1988 Order in Docket Nos. RP89–10–000 and RP88–240–000 which required Panhandle, *inter alia*, to track any modifications to Panhandle's pipeline supplier, Trunkline Gas Company (Trunkline)'s take-or-pay charges ordered by the Commission in Docket Nos. RP88–239–000 and RP89–11–000, respectively. Specifically, the tariff sheets submitted herewith, reflect the revised take-or-pay charges filed by Trunkline on April 10, 1989 in compliance with the Commission's Order Granting Rehearing dated March 24, 1989 in Docket No. RP88–239–006.

Panhandle states that copies of the filing were sent to all of Panhandle's jurisdictional sales customers and interested state commissions, as well as the parties to the above-captioned proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before April 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary

[FR Doc. 89–9928 Filed 4–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–73–002]

Pelican Interstate Gas System; Compliance Filing

April 20, 1989.

Take notice that on April 14, 1989, Pelican Interstate Gas System (Pelican) filed certain tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective April 1, 1989.

Pelican states that these tariff sheets are filed in compliance with the Commission Order issued March 31, 1989. Pelican states that a new § 5.7 has been added to Rate Schedule FTS to redefine the processing fee in terms of a prepayment of a reservation charge and to provide for a refund of the prepayment. Pelican states that Section 8 of Rate Schedule FTS has also been revised to clarify that if Pelican elects to construct facilities for one shipper, Pelican will do so for other shippers on a non-discriminatory basis.

Pelican states that the March 31, 1989 order also required Pelican to set forth the method by which it will reallocate firm capacity in compliance with 18 CFR 284.305(e). Pelican points out that section § 3.2 of Rate Schedule FTS, Original Sheet No. 36, already so specifies in that it states that that section also applies to the reallocation of firm transportation rights purusant to 18 CFR 284.304(c).

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214. 385.211 (1988)). All such motions or protests should be filed on or before April 27, 1989. Protests all be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89–9929 Filed 4–25–89 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–1095–000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

April 3, 1989.

Take notice that on March 28, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–1095–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to provide interruptible transportation service on behalf of ARCO oil and Gas Company's, a producer of natural gas, under United's blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that it would transport 15,450 MMbtu on a peak and average day and 5,639,250 MMbtu on an annual basis.

United further states that it has commenced service under the 120-day automatic authorization and reported such service in Docket No. ST89–2651, pursuant to § 284.223(a) of the Regulations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–9930 Filed 4–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–1093–000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

April 3, 1989.

Take notice that on March 28, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–1093–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to provide interruptible transportation service on behalf of Enron Gas Marketing, Inc., a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the

request on file with the Commission and open to public inspection.

United states that it would transport 515,000 MMbtu on a peak and average day and 18,975,000 MMbtu on an annual basis.

United further states that it has commenced service under the 120-day automatic authorization and reported such service in Docket No. ST89-2652, pursuant to § 284.223(a) of the Regulations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9931 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-67-001]

West Texas Gathering Co.; Tariff Filing

April 20, 1989.

Take notice that on April 17, 1989, West Texas Gathering Company ("West Texas") 550 Westlake Park Blvd., Suite 170, Houston, Texas 77079, submitted for filing a compliance tariff filing pursuant to the Commission's March 17, 1989, Order issued to West Texas.

West Texas states that its tariff filing is designed to bring West Texas' open-access tariff into full compliance with Part 284 of the Commission's Regulations, 18 CFR Part 284 and with the Commission's March 17, 1989, Order.

The tariff sheets provide that they are filed to be made effective on February 15, 1989. West Texas has requested such waiver of the Commission's regulations as may be required in order to permit the proposed effective date.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's regulations. All such motions or protests must be filed on or before April 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9932 Filed 4-25-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3561-7]

Chesapeake Bay Program; 1987 Agreement; Proposal for Review

The 1987 Chesapeake Bay Agreement, signed by the Governors of Maryland, Virginia and Pennsylvania, the Mayor of the District of Columbia, and Chairman of the Chesapeake Bay Commission and the Administrator of the U.S. Environmental Protection Agency for the Federal Government, requires signatories to develop Bay-wide Fishery Management Plans for oysters, blue crabs and American shad and a Management Strategy for Submerged Aquatic Vegetation. Draft documents to fulfill these requirements will be available for public review in certain libraries throughout the Bay Basin for a 30-day period starting April 28, 1989, and ending May 27, 1989. For more information about the locations where the documents may be reviewed, call the Chesapeake Regional Information Service toll-free by dialing 800/662-CRIS. In the Washington metropolitan area, you may call 881-8678.

Charles S. Spooner,

Director, Chesapeake Bay Liaison Office.

[FR Doc. 89-9993 Filed 4-25-89; 8:45 am]

BILLING CODE 6560-50-M

[PP 7G3551/T576; FRI-3561-6]

Triasulfuron; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the herbicide triasulfuron in or on certain raw agricultural commodities. These temporary tolerances were requested by Ciba-Geigy Corp.

DATE: These temporary tolerances expire December 31, 1990.

FOR FURTHER INFORMATION CONTACT: By mail:

Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-1800

SUPPLEMENTARY INFORMATION: Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, has requested in pesticide petition (PP) 7G3551 the establishment of temporary tolerances for residues of the herbicide triasulfuron [2-(2-chloroethoxy)-N-[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl-amino)carbonyl]benezenesulfonamide] in or on the raw agricultural commodities wheat and barely grain at 0.1 part per million (ppm); wheat and barely straw at 0.5 ppm; wheat and barely forage at 5.0 ppm; wheat and barely hay (dry forage) at 15 ppm, milk at 0.1 ppm; meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, and sheep at 0.05 ppm; liver of cattle, goats, hogs, horses, and sheep at 0.1 ppm; and kidney of cattle, goats, hogs, horses, and sheep at 0.5 ppm. These temporary tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 100-EUP-90, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaulated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the

records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire December 31, 1990. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: (21 U.S.C. 346a(j)).

Dated: April 10, 1989.

Frank Sanders,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 89–9878 Filed 4–25–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL HOME LOAN BANK BOARD

[No. 89–1338]

Power of Receiver and Conduct of Receiverships; Repurchase Agreements; Lincoln Savings and Loan Association, Los Angeles, CA

Date: April 18, 1989.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Federal Home Loan Bank Board ("Board") is supplementing Board Resolution No. 84–572 to clarify its position concerning the protections afforded to those dealing with insured savings and loan associations in "repos" of government and mortgage backed securities. With particular reference to Lincoln Savings and Loan Association, Los Angeles, California ("Lincoln"), which has engaged in a substantial volume of such "repo" transactions, the Board wishes to make it clear that the protections given to securities dealers and others in the "repo" market by amendments to the Bankruptcy Code would also be afforded to securities dealers and others engaged in repo transactions with Lincoln.

EFFECTIVE DATE: April 18, 1989.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Hayes, Deputy General Counsel for FSLIC, (202) 906–6428; or Deborah E. Siegel, Attorney, Office of General Counsel, (202) 906–6848, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board has adopted the following resolution:

Whereas, The Federal Home Loan Bank Board ("Board"), by Resolution No. 89–1328, dated April 14, 1989, appointed the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Lincoln Savings and Loan Association, Los Angeles, California ("Lincoln"); and

Whereas, The Board has considered the particular importance of Repos (as defined below) in providing liquidity and funding for Lincoln, the accounts of which are insured by FSLIC, and the potential disruption to the markets in such Repos that could arise as a result of a receivership, conservatorship, or similar proceeding with respect to Lincoln, which disruption could have additional negative effects on the cost of the funding and liquidity of Repo Assets (as defined below) for other FSLIC insured institutions and institutions chartered by the Board; and

Whereas, The Board as operating head of the FSLIC has decided, pursuant to its powers under Section 5(d)(11) of the Home Owners Loan Act of 1933, as amended, and Section 406(c)(3) of the National Housing Act, as amended, to adopt the following resolutions.

Now, therefore, the Board resolves as follows

1. The Board commits that it shall use its powers under the National Housing Act to ensure that any receivership (and to the fullest extent permitted by law, any conservatorship or similar proceeding) with respect to Lincoln shall be conducted solely by the FSLIC (and not the Commissioner, Department of Savings and Loan for the State of California) as receiver, conservator or similar officials ("Receiver") under federal law and regulations, Board Resolution No. 84–572, and these resolutions.

2. The Receiver will perform all of Lincoln's obligations under Repos outstanding at the time of its appointment according to their then existing terms and conditions (including payment and margin maintenance terms) and will perform all obligations under any New Repos (as defined below) in accordance with their terms and conditions.

3. The Receiver shall have the power to renew, extend, or modify any Repo, and to enter into new Repos (collectively, "New Repos"), but may only exercise such power with the consent of the Repo counterparty.

4. In any termination of the receivership of Lincoln or disposition of Lincoln's liabilities under any Repo or New Repo, the Board and the Receiver shall provide for the performance of obligations and the exercise of remedies under Repos and New Repos in a manner consistent with Board Resolution No. 84–572 and these resolutions.

5. Notwithstanding any other provision of law, regulation, or these resolutions, if the Receiver does not perform all such obligations in accordance with their terms, the counterparty to such Repos or New Repos shall have the absolute right to exercise all of its rights and remedies with respect to such Repos and New Repos (including liquidation of Repo Assets).

6. In the event of a Cross-Default (as defined below), a counterparty to a Repo or New Repo shall have the absolute right to accelerate the repurchase and other obligations thereunder (without notice to the Receiver) and exercise all of its rights and remedies with respect to such Repos and New Repos (including liquidation of Repo Assets to satisfy such accelerated obligations).

7. The failure or delay of a counterparty to exercise any of its rights or remedies upon a failure to perform or a Cross-Default shall not constitute a waiver of any rights or remedies in connection therewith.

8. In connection with a Repo or New Repo counterparty's exercise of remedies upon failure to perform or a Cross-Default, neither the Board nor the Receiver shall object to or seek to oppose or stay such exercise or assert or seek to assert any adverse claims (including stop-transfer instructions) against the Repo Assets or any holder or transferee thereof in connection therewith.

9. The Receiver may enforce its claim to any excess received by a counterparty upon the exercise of such remedies over the stated repurchase price (including interest to the date of liquidation of the Repo Assets) and

reasonable expenses of liquidation; provided, however, that nothing herein shall be construed to limit any set-off rights that such counterparty shall have against any such excess.

10. Notwithstanding any provision of law or regulation, neither the Board nor the Receiver shall seek to avoid or recover any payment or transfer of Repo Assets or funds made in connection with any Repo or New Repo or the liquidation thereof as a preferential transfer or fraudulent conveyance (other than any fraudulent conveyance made by Lincoln, voluntarily or involuntarily, with actual intent to hinder, delay or defraud its creditors; provided, however, any transferee of such a transfer that takes for value and in good faith has a lien on or may retain any interests transferred, and shall not be subject to a fraudulent conveyance claim in respect to such transfer, in each case to the extent that such transferee gave value to Lincoln in exchange for such transfer and provided further that in no event shall the Board or the Receiver make any such fraudulent conveyance claim against any Repo Assets).

11. Nothing herein shall limit the power of the Board or the Receiver to make a claim against a counterparty (but not Repo Assets) based on such counterparty's fraud or failure to liquidate a Repo or a New Repo in a commercially reasonable manner. In light of the substantial volume of Lincoln's Repos, the Board and the FSLIC hereby confirm that liquidation of Repo Assets over a period, not in excess of 90 days from the date of termination of a Repo or New Repo, would constitute a liquidation of a Repo or New Repo in a commercially reasonable time, and that the counterparty shall be entitled (but in the case of a Repo only from the proceeds of liquidation of Repo Assets or by way of set-off) to interest, at the contract rate, accruing during such period, provided, however, that a liquidation of Repo Assets at any point during such period or after a longer period of time shall not in and of itself constitute a commercially unreasonable time.

12. In connection with any Repo or New Repos, the Board and the FSLIC, in its corporate capacity, each irrevocably waives compliance by counterparties to Repos or New Repos with the FSLIC right or notice and purchase (12 CFR 563.B–2) and the contractual language required thereby, if applicable to any Repo Assets.

13. Nothing herein shall limit the exercise by a counterparty to a Repo or New Repo of its rights and remedies thereunder in reliance on the Board's Resolution No. 84–572, which Resolution shall continue in full force and effect; provided, however, that paragraphs 2, 4, 5, 6, 7, 8, 10 and 12, the proviso to paragraph 9, and the second sentence of paragraph 11 of these resolutions shall not apply to a termination of a Repo prior to the stated repurchase or maturity date therefor based solely on the appointment of the Receiver for Lincoln.

14. In recognition of the reliance counterparties to Repos and New Repos place and will place on Resolution No. 84–572 and these resolutions in continuing to renew and enter into Repos with Lincoln, the Board intends itself, the FSLIC, in its corporate capacity, and the Receiver to be bound by Resolution No. 84–572 and these resolutions, and will not amend or rescind them without appropriate public notice of a least 45 days and any such amendment or rescission shall operate only prospectively.

"Cross Default" means, as to any counterparty to a Repo or New Repos, the failure by Lincoln or the Receiver to make any payment of funds or delivery of additional Repo Asset to any other Repo or New Repo counterparty when due, (b) the failure by Lincoln or the Receiver to make any payment of funds or delivery of securities under any "securities contract" or "commodities contract" (each as defined in the Federal Bankruptcy Code), or interest rate exchange agreement, when due, or (c) such counterparty is unable to finance or sell under repo, on reasonable terms and conditions, any Repo Assets (whether due to market insecurity, a breach by the Board of its commitments hereunder, or otherwise).

"Repo Assets" means assets that are "liquid assets" under 12 CFR 523.10 or assets that would be so "liquid" but for their remaining term to maturity, "mortgage-related securities" (as defined in section 3(a)(41) of the Securities Exchange Act of 1934).

"Repo" means an agreement, whether documented as a purchase and sale transaction or a secured loan transaction, by Lincoln (or the Receiver, in the case of New Repos) pursuant to which Lincoln or the Receiver transfers Repo Assets to a counterparty that is a registered broker-dealer (including a registered government securities broker-dealer) or an affiliate thereof, the Federal Home Loan Mortgage Corporation, or (to the extent that Repo Assets are securities that are direct obligations of or that are fully guaranteed as to principal and interest by the United States or any agency thereof, the Federal Home Loan Mortgage Corporation, or the Federal National Mortgage Association) a Federal Home Loan Bank, against the transfer of funds with a simultaneous agreement by the counterparty to retransfer such Repo Assets to Lincoln or the Receiver on a date certain or on demand against the transfer of funds.

Resolved further, That these resolutions shall be effective immediately upon their adoption by the Board.

Resolved further, That the Secretary to the Board shall forward this resolution for publication in the **Federal Register.**

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–9986 Filed 4–25–89; 8:45 am]

BILLING CODE 6720–01–M

Appointment of Receiver; Tropical Federal Savings and Loan Association; Miami, FL

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation as conservator for Tropical Federal Savings and Loan Association, Miami, Florida, with the Federal Savings and Loan Association as sole receiver for the association, on April 12, 1989.

Dated: April 21, 1989.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 89–9985 Filed 4–25–89; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Aloha Pacific Cruises, Inc.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Aloha Pacific Cruises Inc., Aloha Pacific Cruises Limited Partnership and S.S. Monterey Limited Partnership, 510 King

Street, #501, Alexandria, VA 22314–3132.

Vessel: Monterey.

Date: April 21, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–10002 Filed 4–25–89; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Applicants; C.H. Robinson International, Inc., et al.

Notice is given that the following applicant have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission,Washington, DC 20573.

C.H. Robinson International, Incorporated, 7525 Mitchell Rd., Eden Prairie, MN 55344

Officers: Scott K. Flora, President, Bernard Michael Madej, Director, Darvin S. Dahlke, Dir./Secre./Treas., Barry W. Butzow, Director.

Logistic Distribution Systems USA Inc., 433 Blair Road, Avenel, NJ 07001

Officers: Salvatore Salomone, President/Director, Vincenzo Rossi, Vice President, Riccardo Del Mastro, Asst. Vice President, Nisith Mitra, Treasurer, George M. Pavia, Secretary, Bruno Bigi, Director, Massimo Petrozzi, Director.

Ransar International, Inc., 1034 Jericho Turnpike, Smithtown, New York 11787

Officers: Fortunato C. Rana, President, Rosalina Sarigumba, Vice President.

John Clark International, Inc., 1659 Sherman Avenue, Evanston, IL 60201

Officers: John Clark McGary, President, Richard D. Nashan, Vice President, James M. Nashan, Secretary/Treasurer.

Sun Express America, Inc., 8939 S. Sepulveda Blvd., #530, Los Angeles, CA 90045

Officers: Soo Ock Kim, Chief Exec. Officer, Mal Bok Kim, Director, Jung Woo Kim, Director.

Rical Express, Inc., 9400 W. Foster, Suite 100, Chicago, IL 60656

Officers: Ricky C.K. Leung, President, Calvin Ng, Stockholder, Charles Ozburn, V. Pres./Secre./Asst. Treas., Austin Chen, Stockholder.

S.B.R. International Corporation, 1425 N.W. 88th Avenue (2nd FL), Miami, Fl 33172

Officers: Alfredo A. Suarez, President/Dir./Stockh., Raul J. Suarez, V. President/Dir./Stockh., Alfredo D. Suarez, Chairman/Dir./Stockh., Jorge H. Suarez, Treasurer/Director, Jorge L. Suarez, V. President/Dir./Stockh., Alex A. Bastidas, Manager.

Advanced International Services, 3555 Timmons Lane, Suite 1010, Houston, TX 77027

Officer: Thomas Michael Gillespie, Sole Proprietor.

Fairway Express, Inc., 420 E. Hyde Park Blvd., Inglewood, CA 90302

Officers: Wooyoung Choi, Pres./Dir./Stockh., Youkyoung L. Choi, Dir./Secre./Chief Financial Ofc.

NNR Aircargo Service (USA) Inc., 765 Dillion Drive, Wood Dale, IL 60191

Officers: Yoshio Nogami, Chairman of Board of Directors, Iwao Saski, Pres./Dir./Secre., Daisuke Itch, Dir./Exec. President, Akira Nokuo, Treasurer/Asst. Secre., Yoichiro Hayashida, Director.

By the Federal Maritime Commission.

Dated: April 20, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–9953 Filed 4–25–89; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Request for Nominations of Candidates To Serve on the Mine Health Research Advisory Committee

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), is soliciting nominations for membership on the Mine Health Research Advisory Committee (MHRAC). On December 23, 1989, four vacancies will occur. The MHRAC, which is authorized by the Federal Mine Safety and Health Act of 1977, advises the Department of Health and Human Services on matters related to intramural and extramural health research for the nation's miners. The direction, scope, and scientific quality of the NIOSH mine health research program are considered by the Committee.

Nominations in the disciplines of occupational medicine, industrial hygiene engineering, plumonary medicine, epidemiology, and toxicology are sought. Mining experience is desirable, but is not necessary for every position on the Committee. Emphasis is placed on scientific credentials.

The Department of Health and Human Services gives close attention to equitable geographic distribution and to minority and female representation; therefore, nominations from these groups are encouraged.

The following information is requested: name, affiliation, address, telephone number, and a recent curriculum vitae. Nominations should be sent by May 20, 1989, to: Mr. Melvin L. Myers, Executive Secretary, MHRAC, NIOSH, CDC, D–37, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephones: FTS: 236–3901, Commercial: 404/639–3901.

Dated: April 20, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89–9943 Filed 4–25–89; 8:45 am]

BILLING CODE 4160–19–M

National Institutes of Health

Meeting of the Advisory Committee to the Director

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on May 18, 1989. The meeting will take place from 8:30 a.m. to 4:30 p.m. in Building 60, Lecture Hall, Mary Woodard Lasker Center for Health Research and Education (The Cloister), National Institutes of Health, Bethesda, Maryland 20892. The meeting will be open to the public.

The meeting will be devoted to discussions of "Biomedical Research: The Next Generation of Scientists."

The Executive Secretary, Jay Moskowitz, Ph.D., National Institutes of Health, Shannon Building, Room 103, Bethesda, Maryland 20892, (301) 496–3152, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information upon request.

Date: April 18, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–9975 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

John E. Fogarty International Center for Advanced Study in the Health Sciences; Meeting

Notice of Meeting of the Fogarty International Center Advisory Board Pursuant to Pub. L. 92–463, notice is hereby given by the twelfth meeting of

the Fogarty International Center (FIC) Advisory Board, May 23, 1989, in the Stone House (Building 16), at the National Institutes of Health.

The meeting will be open to the public from 10:00 a.m. to 4:00 p.m. The morning agenda will include a report by the Director of the FIC, and a report on the scientific and professional accomplishment of former International Research Fellows (supported by the FIC). The afternoon session will include a report on the meeting of the Advisory Committee to the Director, NIH, on "Biomedical Reseach: The Next Generation"; a discussion of coordination between FIC and NIH research institutes; and the report of a workship on "Pathogenesis and Prevention of Hepatocellular Carcinoma."

In accordance with the provisions set forth in section 552b(c)(9)(B), Title 5, U.S.C. the Board meeting will be closed to the public from 8:30 to 10:00 a.m. for discussion of specific long-range initiatives, the premature disclosure of might hinder the implementation of such initiatives.

In accordance with the provisions of sections 552(b)(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will also be closed to the public from 4:00 p.m. to adjournment for the review, discussion, and evaluation of research fellowship applications. The closed session will also review Scholar-in-Residence nominations, and Scholars' conference proposals, and proposals for international studies. These materials contain information of a proprietary nature, including detailed research protocols, designs, and other technical information; and personal information about individuals associated with the applications.

Myra Halem, Committee Management Officer, Fogarty International Center, Building 38A, Room 609, National Institutes of Health, Bethesda, Maryland 20892 (301–496–1491), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Coralie Farlee, Assistant Director for Planning and Evaluation, Fogarty International Center (Executive Secretary), Building 38A, Room 609, telephone 301–496–1491, will provide substantive program information.

Dated: April 4, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–9980 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting of Cancer Biology-Immunology Contracts Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Biology-Immunology Contracts Review Committee, National Cancer Institute, National Institutes of Health, June 12–13, 1989, Building 31A, Conference Room 2, Bethesda, Maryland 20892.

This meeting will be open to the public on June 12 from 9 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 12 from 9:30 a.m. to recess and on June 13 from 9 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Wilna A. Woods, Executive Secretary, Cancer Biology-Immunology Contracts Review Committee, 5333 Westbard Avenue, Room 807, Bethesda, Maryland 20892 (301/496–7153) will furnish substantive program information.

Dated: April 4, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–9981 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, June 1 and 2, 1989, National Institutes of Health, 9000 Rockville Pike, Building 10, Room 7N214, Bethesda, Maryland 20892.

This meeting will be open to the public from 9 a.m. to 4 p.m. June 1 and from 9:00 a.m. to 12 noon on June 2 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisons set forth in section 552(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 12 noon to adjournment June 2 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–4236, will provide a summary of the meeting and a roster of the Board members. Substantive program information may be obtained from Dr. Edward D. Korn, Executive Secretary and Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7N214, phone (301) 496–2116.

Dated: April 3, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–9977 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of the National Cholestrol Education Program Coordinating Committee

Notice is hereby given of the meeting of the National Cholestrol Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Tuesday, June 6, 1989, from 10 a.m. to 3:30 p.m., at the Holiday Inn Crown Plaza, 1750 Rockville Pike, Rockville, Maryland 20850, (301) 468–1100.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Cholestrol Education Program. Attendance by the public will be limited to space available.

For the agenda, list of participants, and meeting summary, contact: Dr. James I. Cleeman, Coordinator, National Cholestrol Education Program, Office of Prevention, Education and Control,

National Heart, Lung, and Blood Institute, National Institutes of Health, C–200, Bethesda, Maryland 20892, (301) 496–0554.

Dated: April 17, 1989.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 89–9978 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meetings of the National Heart, Lung, and Blood Advisory Council and Its Research Subcommittee and Training Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, May 25–26, 1989, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20892. In addition, the Research Subcommittee and the Training Subcommittee of the above Council will meet on May 24, the Research Subcommittee at 1 p.m. in Building 31, Conference Room 9 and the Training Subcommittee at 8 p.m. in Building 31, Conference Room 9.

The Council meeting will be open to the public on May 25 from 9 a.m. to approximately 3:30 p.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C., 10(d) of Pub. L. 92–463, the Council meeting will be closed to the public from approximately 3:30 p.m. on May 25 to adjournment on May 26 for the review, discussion and evaluation of individual grant applications. The meetings of the Research Subcommittee and the Training Subcommittee of the above Council on May 24, will be closed from 1 p.m. and 8 p.m., respectively, to adjournment for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Council members.

Ms. Arlene Zimmerman, Executive Secretary, National Heart, Lung, and Blood Advisory Council, Westwood Building, Room 7A–15, National Institutes of Health, Behesda, Maryland 20892, (301) 496–7548, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 4, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–9979 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting of the Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), May 4, 5, and 6, 1989, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20892. This meeting will be open to the public on May 4 from 8 p.m. to 10 p.m., May 5 from 9 a.m. to 12 noon and again from 2 p.m. to 4:30 p.m., and May 6 from 9 a.m. to 10:30 a.m. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIDDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 4 from 7:30 p.m. to 8 p.m., May 5 from 12 noon to 2 p.m. and again from 4:30 p.m. to recess, and May 6 from 10:30 a.m. to adjournment for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIDDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Diabetes and Digestive and Kidney Diseases, Building 31, Room 9A19, Bethesda, Maryland 20892. Further information concerning the meeting may be obtained by contacting the office of Dr. Jesse Roth, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20892, (301) 496–4128.

Dated: April 3, 1989.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 89–9982 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; Meeting of the Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, May 22–23, 1989, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. on Monday, May 22 until approximately 4:00 p.m. and will again be open to the public from 9:00 a.m. on Tuesday, May 23, until 4:00 p.m. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 22 from 4:00 p.m. until recess, and again on May 23 from 4:00 p.m. until adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland 20892, (telephone: 301/496–9322) will provide a summary of the meeting and a roster of committee members. Dr. George R. Martin, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.886, Aging Research, National Institutes of Health)

Dated: April 3, 1989.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 89–9983 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Neurological Disorders and Stroke; Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke, Division of Intramural Research on June 21–23, 1989, Conference Rooms 1B07, Building 36 and 5C101, Building 10, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 12:30 p.m. on June 22 in Bldg. 36, Rm. 1B07, and from 1:30 p.m. to 5:00 p.m. in Bldg. 10, Rm. 54C101 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8 p.m. to 10 p.m. on June 21 and from 9 a.m. until adjournment on June 23 in Bldg. 10, Rm. 5C101 for the review, discussions and evaluation of individual programs and projects conducted by the NINDS. The programs and discussions include consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. David Mineo, Federal Building, Room 1004, 7550 Wisconsin Avenue, Bethesda, MD 20892, telephone (301) 496–9231 or the Executive Secretary, Dr. Irwin J. Kopin, Director, Division of Intramural Research, NINDS, Building 10, Room 5N214, National Institutes of Health, Bethesda, MD 20892, telephone (301) 496–4297 will furnish a summary of the meeting and a roster of committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: April 3, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–9984 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Advisory Committee; Revision of NIH Guidelines Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee—Revision of NIH Guidelines Subcommittee at the National Institutes of Health, Building 31, Conference Room 6, Bethesda, Maryland 20892, on June 5, 1989, from approximately 9:00 a.m. to adjournment at approximately 5:00 p.m. to discuss the definition of recombinant DNA. This meeting will be open to the public. Attendance by the public will be limited to space available.

Further information can be obtained from Ms. Rachel E. Levinson, Executive Secretary of the Revision of NIH Guidelines Subcommittee, Office of Recombinant DNA Activities, Office of Science Policy and Legislation, National Institutes of Health, Building 31, Room 4B11, Bethesda, Maryland 20892, telephone (301) 496–9838.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: April 18, 1989.

Betty J. Beveridge,

Committee Management Officer.

[FR Doc. 89–9976 Filed 4–25–89; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Advisory Committee on Water Data for Public Use; Meeting

Pursuant to Pub. L. 92–463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use (ACWDPU) will be held May 23–25, 1989, at the Grenelefe Resort and Confernce Center, 3200 State Road 546, Grenelefe, Florida 33344–9732. The ACWDPU consists of individuals and representatives of water resources-oriented groups, including national, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to advise the Secretary of the Interior, through the Director of the Geological Survey, by providing the views of the non-Federal community in plans, policies, and procedures related to water-data programs. The Director of the U.S. Geological Survey (USGS) is Chairman of the Committee.

The meeting will convene at 8 a.m. on Tuesday, May 23, 1989. The meeting will commemorate the 25th anniversary of the Federal Water Data Coordinating Program, and the theme will be "Partnerships for Water-Resources Information Coordination." Topics to be considered include non-Federal water-resources priorities, agricultural water-quality information requirements, information-dissemination efforts and plans, and data-collection network operations. The meeting will adjourn at noon on Thursday, May 25, 1989.

The meeting will be open to the public, and anyone wishing to attend or desiring additional information should contact Nancy Lopez, Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Virginia 22092. Her telephone number is (703) 648–5014. A report summarizing the meeting will be available approximately 4 weeks after the meeting.

Date: April 10, 1989.

Bruce Parks,

Acting Chief, Office of Water Data Coordination.

[FR Doc. 89–9963 Filed 4–25–89; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[AZ–050–4333–12]

Arizona; Closure to Camping

AGENCY: Bureau of Land Management, Interior.

ACTION: Close an area near Yuma, AZ, east of Avenue 9E and north of the Interstate 8 north frontage road in Yuma County to camping.

SUMMARY: The following described lands east of Avenue 9E are closed to all types of camping. The area affected by this closure contains 320.04 acres, more or less.

T. 9 S., R. 22 W., Gila and Salt River Meridian,
Sec. 1, Lot 1, S½NE¼, S½NW¼, W½SE¼, SE¼SE¼.

EFFECTIVE DATE: May 1, 1989.

FOR FURTHER INFORMATION CONTACT: Walt Tegge, Outdoor Recreation Planner, Yuma Resource Area; 3150 Winsor Avenue, Yuma, AZ 85365, 602–726–6300.

SUPPLEMENTARY INFORMATION: Authority for this action is contained in 43 CFR 8364.1. This area is being closed to protect public health and safety. This camping closure shall remain in effect until further notice and shall apply to all persons. Maps of the area are available at the Yuma BLM office.

Dated: April 17, 1989.

Herman L. Kast,

District Manager.

[FR Doc. 89–9966 Filed 4–25–89; 8:45 am]

BILLING CODE 4333–12–M

[AZ–020–4333–08]

Public Meetings and Extension of Comment Period for the Goldwater Amendment to the Lower Gila South Resource Management Plan and Environmental Assessment; Phoenix District, Arizona.

ACTION: Notice of public meetings and extension of comment period.

SUMMARY: The Bureau of Land Management, Lower Gila Resource Area, is going to hold open house public meetings to allow the public to discuss the Goldwater Amendment to the Lower Gila South Resource Management Plan (RMP). The amendment was completed to comply with Pub. L. 99–606 which was passed on November 6, 1986, and requires the BLM to assume resource management responsibilities on the Barry M. Goldwater Air Force Range. This amendment (1) proposes to adopt, with modifications, the existing Luke Air Force Range Natural Resources Management Plan; (2) includes an Environmental Assessment; and (3) guides resource management actions on approximately 1.8 million acres of withdrawn public lands within the Goldwater Range. The public is invited to review, discuss and comment on the completed amendment at the meetings in May. Written comments will be accepted at these meetings or may be sent to BLM during the extended comment period ending June 23, 1989.

Information: The planning area is located in southwestern Arizona and contains 1.8 million acres of public land withdrawn to the Air Force for military use.

Public Law 99–606 and military use of the range have placed certain constraints on the planning process and issues that can be included in the process. Uses and issues that cannot occur and are not addressed in this amendment include livestock grazing, mineral exploration, leasing and entry, wilderness, and open areas for off-road vehicles. Management concerns that are addressed include but are not limited to wildlife management, cultural resource management, recreation, ACEC's, and other natural areas.

There will be two open house public meetings to obtain input on the amendment. These meetings will be held in Gila Bend and Yuma, Arizona at the following times and locations.

May 22, 1989, 7–9 p.m.

Base Theater, Gila Bend Air Force Auxiliary Field, Gila Bend, Arizona.

May 23, 1989, 7–9 p.m.

Yuma District Office, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona.

Completed amendments were sent to individuals and groups who had expressed an interest in the amendment. Additional copies of the amendment will be available at the open houses or may be obtained at the Lower Gila Resource Area, 2015 W. Deer Valley, Road, Phoenix, Arizona. The open houses will provide the public and BLM an opportunity to discuss the amendment in an informal setting.

ADDRESS: Send comments to: Bureau of Land Management, Phoenix District Office, Attn: Carole Hamilton, 2015 W. Deer Valley Road, Phoenix, AZ 85027.

FOR FURTHER INFORMATION CONTACT: Carole Hamilton, Area Manager, Lower Gila Resource Area, (602) 863–4464.

Date: April 20, 1989.

Charles Frost,

Associate District Manager.

[FR Doc. 89–9944 Filed 4–25–89; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

Approval for the information collection listed below has been requested from the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the information collection requirement and supporting documentation may be obtained by contacting the Bureau Clearance Officer at the phone number listed below. Comments and suggestions on the information collection should be made directly to the Bureau Clearance Officer, Mail Stop 632, 12203 Sunrise Valley Drive, Reston, Virginia 22091, and to the Office of Management and Budget Interior Department Desk Officer, Paperwork Reduction Project (1010–0078), Washington, DC 20503, telephone (202) 395–7340; with copies to Gerald D. Rhodes; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Minerals Management Service; 12203 Sunrise Valley Drive; Mail Stop 646; Reston, Virginia 22091.

Title: Oil and Gas and Sulphur Operations in the Outer Continental Shelf, 30 CFR Part 250.

OMB Approval Number: 1010–0078.

Abstract: Rules governing oil, gas, and sulphur operations in the Outer Continental Shelf were consolidated into the revised and updated 30 CFR Part 250 which became effective May 31, 1988. All subparts of the revised rule contain narrative information collection requirements which have been approved by OMB. The Minerals Management Service proposes to increase the information collection requirements contained in Subpart O, Training, by the addition of 1,162 hours. That would increase the annual burden from 2,782 to 3,944 hours of Subpart O. The information is necessary to ascertain the adequacy of personnel training in order to minimize the hazards and increase the level of safety consciousness of personnel working in drilling, well-completion, well-workover, and production operations.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Lessees of Outer Continental Shelf oil and gas and sulphur leases and Training Organizations.

Estimated Completion Time: 5 hours.

Annual Responses: 330.

Annual Burden Hours: 3,944.

Bureau Clearance Officer: Dorothy Christopher, telephone (703) 435–6213.

Date: February 22, 1989.

William D. Bettenberg,

Associate Director for Offshore Minerals Management.

[FR Doc. 89–9968 Filed 4–25–89; 8:45 am]

BILLING CODE 4310–MR–M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget Interior Department Desk Officer, Paperwork Reduction Project (1010–0031), Washington, DC 20503, telephone (202) 395–7340, with copies to Gerald D. Rhodes; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Reimbursement for Certain Geological and Geophysical Data and Information, 30 CFR 251.13.

OMB Approval Number: 1010–0031.

Abstract: Section 26 of the Outer Continental Shelf Lands Act requires that certain costs be reimbursed to the parties submitting required geological and geophysical (G&G) data and information requested by the Minerals Management Service (MMS). Under the law, lessees and permittees can be reimbursed for the costs of reproducing any G&G data required to be submitted. In order for the Government to determine the propriety and level of reimbursement, lessees and permittees are required to send a request for reimbursement to the Director, MMS, where it will be reviewed and evaluated. Reimbursement will be made according to appropriate criteria.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Federal oil and gas lessees and permittees.

Estimated Completion Time: 7 hours.

Annual Responses: 300.

Annual Burden Hours: 2,100.

Bureau Clearance Officer: Dorothy Christopher, (703) 435–6213.

Date: March 9, 1989.

William D. Bettenberg,

Associate Director for Offshore Minerals Management.

[FR Doc. 89–9969 Filed 4–25–89; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Walter Oil & Gas Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Walter Oil & Gas Corporation has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 7699 and 7700, Blocks 36 and 37, respectively, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on April 14, 1989. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: April 17, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 89–9967 Filed 4–25–89; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31430 (Sub-No. 1)]

David L. Durbano and Phillip D. Scott; Continuance in Control Exemption of Arizona Central Railroad, Inc.

David L. Durbano and Phillip D. Scott, noncarrier individuals, have filed a notice of exemption under 49 CFR 1180.4(g) regarding their continuance in control of Arizona Central Railroad, Inc. (ACR), upon the commencement of rail operations by ACR. ACR, a noncarrier corporation controlled by Mr. Durbano and Mr. Scott, has filed concurrently a notice of exemption in Finance Docket No. 31430, *Arizona Central Railroad, Inc.—Acquisition and Operation Exemption—Clarkdale Branch of the Atchison, Topeka and Santa Fe Railway Company*. There, ACR seeks an exemption to acquire by purchase from The Atchison, Topeka and Santa Fe Railway Company and to operate approximately 38.74 miles of rail line located in Arizona. Mr. Durbano and Mr. Scott presently control Wyoming Colorado Railroad, Inc. (WCR). They have also filed a notice of exemption in Finance Docket No. 31440 (Sub-No. 1) relating to their control of Intermountain Western Railroad (IWRR), a noncarrier corporation, which will become a rail carrier upon approval of the notice of exemption for the acquisition and operation of the Oregon Northwestern Railroad in Finance Docket No. 31440. As a result of the above transactions, Mr. Durbano and Mr. Scott will control three rail carriers, ACR, WCR, and IWRR.

Mr. Durbano and Mr. Scott indicate that: (1) ACR, WCR, and IWRR will not connect with each other or any railroad

in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction involves the continuance in control of a nonconnecting carrier, and is exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Docket Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Any comments must be filed with the Commission and served on: Douglas M. Durbano, Durbano, Smith, Reeve & Fuller, 4185 Harrison Boulevard, Suite 320, Ogden, UT 84403.

Decided: April 19, 1989.

By the Commission, Jane Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89-9897 Filed 4-25-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Survey of Substance Abuse Programs in the Mining Industry

AGENCY: Office of the Secretary, Labor.

ACTION: Submission of onetime survey for clearance under the Paperwork Reduction Act.

SUMMARY: The Mine Safety and Health Administration, Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C., Chapter 35, 5 CFR Part 1320 (53 FR 16618 to 16632, May 10, 1988)), is submitting a onetime survey on substance abuse programs in the mining industry to the Office of Management and Budget for that Agency's approval. The information is to be collected under the authority of Pub. L. 99-570, The Drug Abuse Act of 1986.

DATE: MSHA has requested an expedited review of this submission under the Paperwork Reduction Act, to be completed on or before May 11, 1989.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the survey should be directed to Paul E. Larson, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-1301, Washington, DC 20210 (telephone (202) 523-6331). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for MSHA, Office of Management and Budget, Room 3208, Washington, DC (telephone (202) 395-5880).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

SUPPLEMENTARY INFORMATION: As part of a study on substance abuse in the mining industry, MSHA plans to conduct a survey of randomly selected mining companies to obtain information about the extent and effects of substance abuse, the substances being abused, and policies and programs being used to detect and treat substance abuse. The Agency estimates that approximately 3,600 respondents will be contacted and the burden will be 10 minutes per response for a total of 600 burden hours. The information collected through this study will be used to develop policies, procedures, and training initiatives on substance abuse. The study results will be included in a report to Congress. Copies of the study results will also be given to the Committee representatives from the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the Bureau of Mines, and mining industry management and union representatives for their use in the development and evaluation of substance abuse programs.

The following submission for approval of the survey has been submitted to OMB with a request for expedited approval under the Paperwork Reduction Act.

Signed at Washington, DC this 20th day of April 1989.

Paul E. Larson,

Departmental Clearance Officer.

BILLING CODE 4510-43-M

Standard Form 83
(Rev. September 1983)

Request for OMB Review

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request

U.S. Department of Labor
Mine Safety and Health Administration
Office of Information and Public Affairs

2. Agency code: 1219

3. Name of person who can best answer questions regarding this request: Thomas A. Brown

Telephone number: (703)235-1452

4. Title of information collection or rulemaking

Substance Abuse Programs in the Mining Industry

5. Legal authority for information collection or rule *(cite United States Code, Public Law, or Executive Order)*

30 ~~USC~~ CFR Part 50 or P.L. 99-570, The Drug Abuse Act of 1986

6. Affected public *(check all that apply)*

1 ☐ Individuals or households
2 ☐ State or local governments
3 ☐ Farms
4 ☒ Businesses or other for-profit
5 ☐ Federal agencies or employees
6 ☐ Non-profit institutions
7 ☐ Small businesses or organizations

PART II.—Complete This Part Only If the Request Is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)

___ ___ ___ ___ — ___ ___ ___ ___, or, None assigned ☐

8. Type of submission *(check one in each category)*

Classification
1 ☐ Major
2 ☐ Nonmajor

Stage of development
1 ☐ Proposed or draft
2 ☐ Final or interim final, with prior proposal
3 ☐ Final or interim final, without prior proposal

Type of review requested
1 ☐ Standard
2 ☐ Pending
3 ☐ Emergency
4 ☐ Statutory or judicial deadline

9. CFR section affected

_____CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? . . . ☐ Yes ☐ No

11. If a major rule, is there a regulatory impact analysis attached? . . . 1 ☐ Yes 2 ☐ No
If "No," did OMB waive the analysis? . . . 3 ☐ Yes 4 ☐ No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with

Signature of program official — Date

Signature of authorized regulatory contact — Date

12. *(OMB use only)*

PART III.—Complete This Part Only If the Request Is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less

'Alcohol and drug abuse problems; drug treatment; rehabilitation programs.' As part of a study on substance abuse in the mining industry, MSHA plans to conduct a survey of randomly selected mining companies to obtain information about the extent and effects of substance abuse, the substances being abused, and policies and programs being used to detect and treat substance abuse.

14. Type of information collection *(check only one)*

Information collections not contained in rules

1 [X] Regular submission
2 [ ] Emergency submission *(certification attached)*

Information collections contained in rules

3 [ ] Existing regulation *(no change proposed)*
4 [ ] Notice of proposed rulemaking (NPRM)
5 [ ] Final, NPRM was previously published
6 Final or interim final without prior NPRM
A [ ] Regular submission
B [ ] Emergency submission *(certification attached)*

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking *(month, day, year)*: _____

15. Type of review requested *(check only one)*

1 [X] New collection
2 [ ] Revision of a currently approved collection
3 [ ] Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
4 [ ] Reinstatement of a previously approved collection for which approval has expired
5 [ ] Existing collection in use without an OMB control number

16. Agency report form number(s) *(include standard/optional form number(s))*

Questionnaire - Mining Industry Committee on Substance Abuse

17. Annual reporting or disclosure burden

1 Number of respondents	2,880
2 Number of responses per respondent	1
3 Total annual responses *(line 1 times line 2)*	2,880
4 Hours per response	0.1667
5 Total hours *(line 3 times line 4)*	480

18. Annual recordkeeping burden

1 Number of recordkeepers	
2 Annual hours per recordkeeper	
3 Total recordkeeping hours *(line 1 times line 2)*	
4 Recordkeeping retention period	years

19. Total annual burden

1 Requested *(line 17-5 plus line 18-3)*	480
2 In current OMB inventory	0
3 Difference *(line 1 less line 2)*	+ 480
Explanation of difference	
4 Program change	+ 480
5 Adjustment	

20. Current *(most recent)* OMB control number or comment number

None.

21. Requested expiration date

September 30, 1989

22. Purpose of information collection *(check as many as apply)*

1 [ ] Application for benefits
2 [X] Program evaluation
3 [X] General purpose statistics
4 [ ] Regulatory or compliance
5 [X] Program planning or management
6 [ ] Research
7 [ ] Audit

23. Frequency of recordkeeping or reporting *(check all that apply)*

1 [ ] Recordkeeping

Reporting

2 [ ] On occasion
3 [ ] Weekly
4 [ ] Monthly
5 [ ] Quarterly
6 [ ] Semi-annually
7 [ ] Annually
8 [ ] Biennially
9 [ ] Other *(describe)*: Onetime survey.

24. Respondents' obligation to comply *(check the strongest obligation that applies)*

1 [X] Voluntary
2 [ ] Required to obtain or retain a benefit
3 [ ] Mandatory

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? [ ] Yes [X] No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? [ ] Yes [X] No

27. Regulatory authority for the information collection

_____ CFR _____ ; or _____ FR _____ ; or, Other *(specify)*: P.L. 99-570

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official

Acting Chief, Records Management Branch

Date: 4/6/89

Signature of agency head, the senior official or an authorized representative

Director, Office of Information Management

Date: 11 APR 89

BILLING CODE 4510-43-C

A. Justification

1. Circumstances That Make the Collection of Information Necessary

The objective of the Mine Safety and Health Administration (MSHA), Department of Labor, is to improve safety and health conditions in the mining industry. Mining traditionally has been, and remains, one of the most hazardous occupations in the United States; the rate of fatal accidents in mining in 1986 (50 per 100,000 workes) was five times the average rate (10 per 100,000) for all industries [1]. Any condition that increases the potential for accidents is a matter of concern.

It has long been recognized that the use and abuse of alcohol and drugs is a serious safety hazard at the work site, contributes to loss of production, and leads to increased absenteeism. Studies have shown that a worker who uses alcohol or drugs is three to four times more likely to have an accident, two and one-half times more likely to be absent, and 25 to 33 percent less productive than one who does not. Estimates of the loss to American industry and the economy due to alcohol and drug abuse range as high as $100 billion per year. Some experts estimate that as many as 20 to 25 percent of the American workforce may be substance abusers. Substance abuse poses a particular safety hazard in mining. The potential danger created by substance abuse in the mining industry is so great that Federal law specifically prohibits the possession or use of alcohol or drugs at mine sites.

Unfortunately, there is little doubt that substance abuse continues to occur in American mines; the extent to which it occurs is not only unknown, it tends to be hidden precisely because it is illegal. Even less is known about the efforts made by the mining industry to detect or treat substance abuse. Previous studies of the question of substance abuse have been either generic studies of all industries (e.g., the Gallup survey for Hoffmann-LaRoche [2]), limited to specific substances (e.g., the recent Bureau of Labor Statistics survey on illicit drugs), or limited to a specific segment of the industry (e.g., the Carnegie-Mellon study of underground bituminous coal mines). In short, we have little direct knowledge of either the extent of substance abuse in the mining industry or the efforts that mining companies and unions may be taking to counteract and treat alcohol and drug abuse.

The problem does exist. In 1985, the interest in and reaction to a series of articles in an MSHA journal led concerned managers and union representatives in the mining industry to form a voluntary committee, The Mining Industry Committee on Substance Abuse, with a charter to assist owners, operators, and employees in the industry in their efforts to deal with the problem. In addition to management and union members, the Committee includes representatives from MSHA, the Bureau of Mines, and the National Institutes on Drug Abuse (NIDA) and Alcoholism and Alcohol Abuse (NIAAA).

This Committee, in cooperation with MSHA, has produced a video tape on substance abuse, published a manual on employee assistance programs, designed and distributed posters and warning stickers, and sponsored seminars and training sessions on the subject. Reaction in the industry to these efforts has been quite positive. At this time, however, Committee members believe that their efforts could be more beneficial and more productive if they were more specifically targeted to actual conditions in the industry. Aside from the personal knowledge of the Committee members, and a variety of anecdotal information, there is no way to obtain specific information other than through this proposed study.

In addition to collecting information for MSHA and the Mining Industry Committee on Substance Abuse, the results of this study will be reported to the Secretary of Labor for inclusion in the report to Congress mandated by the Drug Abuse Act of 1986 (Pub. L. 99-570). This information should supplement the date on illegal drug detection and treatment collected by BLS in their survey of ten industries, including mining.

2. Uses of Information

This study is intended to provide the Mining Industry Committee on Substance Abuse and MSHA with more specific information about the number of mine sites conducting substance abuse programs and training. The information collected through this study will be used to develop policies, procedures, and training initiatives regarding substance abuse in the mining industry. The study results will be reported to the Secretary of Labor for inclusion in the report to Congress. Copies of the study results will be given to the Committee representatives from the National Institute on Drug Abuse, The National Institute on Alcohol Abuse and Alcoholism, the Mine Safety and Health Administration, the Bureau of Mines, and mining industry management and union representatives for their use in the development and evaluation of substance abuse programs.

Failure to conduct the proposed survey will result in the continued absence of accurate information for the development of substance abuse programs, policies, and training programs for the mining industry.

3. Uses of Improved Information Technology

The present state of automation in the mining industry precludes the use of improved information technology to reduce the burden on respondents. We have explored other possible applications of improved information technology and have been unable to identify any feasible alternatives to the methods to be used in this study. Respondents will be offered the option of replying by telephone or facsimile (FAX) transmission rather than in writing.

4. Efforts to Identify Duplication

We have been unable to identify any other sources of information which include the scope of data needed for this study. Various studies are ongoing but too limited in scope for our purposes. The most noteworthy of these is the Bureau of Labor Statistics nationwide survey of employer anti-drug programs (see discussion below, in paragraph 5). In addition to surveying the literature on this topic, we have contacted the U.S. Bureau of Mines, the Mine Health and Safety Academy, the AFL-CIO Occupational Alcohol Program, the Association of Labor-Management Administrators & Consultants on Alcoholism (ALMACA), the National Association of State Alcohol and Drug Abuse Directors (NASADAD), the National Clearinghouse for Alcohol Information, the National Institute on Drug Abuse (NIDA), and the National Institute on Alcohol Abuse and Alcoholism (NIAAA), as well as knowledgeable researchers on the subject. These contacts indicate that no comparable federal or private survey or other source for this information exists. Therefore, there is no duplication of requested information.

5. Reasons Existing Information Cannot Be Used

Previous studies of the question of substance abuse have been either generic studies of all industries, limited to a specific substance, or limited to a specific segment of the industry. The

[1] *Statistical Abstract of The United States 1988*, U.S. Department of Commerce, Bureau of the Census, Table No. 663, page 399.

[2] *Drug Testing at Work: A Survey of American Corporations*, conducted by The Gallup Organization 1988, Sponsored by Hoffmann-LaRoche, Nutley, N.J.

Bureau of Labor Statistics recently completed a survey of employer anti-drug programs, which provides data on the prevalence of drug testing and rehabilitation programs and the number of employees directly affected across the private sector of the U.S. economy. One of the ten industries included in that study is the mining industry, including oil and gas producers; the proposed MSHA study includes coal, metal, and non-metal mines, but not oil and gas producers. The BLS survey does provide some data similar to the data we are requesting, but it does not include data concerning abuse of alcohol or prescription drugs. Private efforts to obtain information on employer drug abuse policies and programs tend to be very limited, involving either case studies or surveys of Fortune 500 firms, none of which can produce representative data for the mining industry as a whole.

6. Minimizing the Burden to Small Establishments

The survey is directed toward a statistical sample of all active mining establishments in the portion of the mining industry for which MSHA is responsible (see Part B for a description of the sample and survey methodology). The BLS survey results indicated that over 75% of the mining industry, 95.9% of establishments with 1 to 9 employees, and 86.6% of establishments with 10 to 49 employees had neither a drug-testing nor an employee assistance program.[3] On that basis, we anticipate that most small mining establishments will not have substance abuse programs, which will allow them to skip up to 33 of the 44 questions. To further minimize the response burden, respondents will be offered the option of replying by telephone or FAX transmission.

The survey questionnaire has been pre-tested on eight (8) selected mining companies that volunteered to assist us. These companies answered all of the questions on the questionnaire, and reported that total time required to read all materials and answer all questions ranged from 10 minutes to 25 minutes, with an average time of about 15 minutes. The total time required to complete the questionnaire by a mining company not having a substance abuse program should be less than 10 minutes.

7. Consequences of Less Frequent Data Collection

The study will be conducted only once.

[3] *Survey of Employer Anti-drug Programs*, U.S. Department of Labor, Bureau of Labor Statistics, January 1989, Report 760; Tables 1 and 2, pp. 6-7.

8. Guidelines of 5 CFR 1320.6

The study will not violate any of the provisions of these guidelines.

9. Consultation With Outside Agencies Regarding the Availability of Data

In addition to the contracts mentioned in paragraph 4 above, we have discussed our study plans with the members of the Mining Industry Committee on Substance Abuse. They have offered some useful suggestions and have expressed interest in the results since the study is unique. We have also pre-tested the survey instrument, and modified those questions that could not be answered without further research.

10. Confidentiality Assurances

Assuring the confidentiality of the data obtained has been a primary concern in developing the methods to be used in this study, and has directly affected the design of the questionnaire. Mine operators believe there may be legal and regulatory implications to revealing specific information about substance abuse in their operations, particularly if their corrective actions may be considered inadequate. In addition to the sensitivity of the subject matter (substance abuse), some concerns have been raised about revealing information concerning union representation (or the lack of representation) to a committee containing union members.

To protect the respondents, the statistics will be compiled by an independent outside contractor and will be reported in summary form only. The returned questionnaires will be destroyed (shredded) after data entry and individual respondent company names will not be entered to the data base or directly associated with the data.

11. Sensitive Questions

Within the mining industry, there is sensitivity and resistance to any kind of government data collection and to questions concerning unionization of the industry. We have attempted to address these questions by conducting the survey through an independent outside contractor, and preventing the data in summary form only.

12. Estimated Cost of the Mail Survey

a. Estimated cost to the Federal Government:

Personnel services	$65,000
Equipment, supplies, postage, and telephone	2,500
ADP charges	9,000
Total	$76,500

b. Estimated cost to respondents:

Burden hours	480
Median hourly wage of respondents	× $21.50
Total cost to respondents	$10,320.00

13. Estimated Reporting Burden

The survey will be mailed to a sample of 3,600 mining companies. The average response time will be 10 minutes. If all 3,600 companies respond, the total reporting burden will be about 600 hours. An anticipated response rate of 80% would result in a reporting burden of only 480 hours.

14. Change in Burden

There are 12,600 hours in the Information Collection Budget for this research project. This estimate was based on the use of two questionnaires, with 100% of the 18,000 mining operations responding to the first questionnaire and 20%, or 3600, being asked to answer a second more detailed questionnaire. Since the time the Information Collection Budget was prepared, the agency decided to use the approach described in this submission, involving a statistical survey of a scientifically selected sample of mining companies, to collect the information. Thus the anticipated burden has been reduced to 480 hours.

15. Plans for Tabulation, Statistical Use, and Publication

The study based on the questionnaire attached as Appendix A will be conducted as soon as possible following OMB clearance. Data will be tabulated and analyzed, and report submitted to MSHA management by June 26, 1989. The survey results will be tabulated by mine type, commodity mined, and mine employment size class, and presented as statistical summaries, counts, and percentages. Separate tabulations will be made for these categories, along with national totals. While the final report will be available upon request, it is intended primarily for internal agency use, and will not be published as a public document.

B. Collection of Information Employing Statistical Methods

1 a. Universe

The universe for this survey will consist of all the approximately 17,000 active mining establishments reporting employment to MSHA in 1988. Contractors are not included. These establishments comprise all those with 1977 Standard Industrial Classification 111 or 121 (coal); 101–106, 109, or 281 (metal); 131, 145, 147, 149, 289, or 299 (non-metal); 141, 142, 324, or 327 (stone); and 144 (sand & gravel).

b. Sample Size

The probability sampling plan to be used in the survey is designed to produce reliable estimates of the proportion of establishments falling into a given category delineated on the questionnaire and of the proportion of employees working at such establishments. Separate estimates are needed for each of the mining groups listed above, as well as for establishments roughly comparable in size. The total number of establishments required to achieve a reasonable level of reliability is calculated to be 3,600. This allows for an overall non-response rate of 20 percent and non-response of about 50 percent.

2 a. Sample Design

The sampling frame will be stratified into 16 strata, comprising four employment size categories for coal, metal, and non-metal, and two size categories for stone and for sand and gravel. Within these strata, geographic location will be randomly allocated but a state code will be recorded as a potentially significant covariate and to enable comparisons among broad regions. To maximize efficiency in estimating the number and proportion of employees at establishments falling into categories specified on the questionnaire, larger establishments will have a greater probability of being included in the sample than smaller ones. Sampling ratios will range from near certainty for mines in the largest employment-size category to approximately ten percent in the smallest. Within each stratum, sampling will be random.

b. Estimation Procedure

For each stratum, a probability design based estimator—in which each unit of the sample is weighted by the inverse of the sampling ratio for its stratum—will be used to estimate totals of establishments for various characteristics of interest. Using total employment reported to MSHA for each stratum, *ratio estimators* will be used to estimate employee totals at these establishments. Estimates of totals at higher tabulation levels will be the sum of the subsumed stratum estimates. At each level of tabulation, proportions will be calculated as the ratio of the appropriate totals. Standard errors will be calculated for all estimates of totals and proportions.

c. Accuracy

Sample sizes for the individual industry strata were calculated to meet a criterion of +/− three percentage points at 95-percent confidence in estimating a proportion of 25 percent. Precision for estimates of proportions of establishments and employees for selected aggregations is anticipated to be roughly as follows:

Aggregation level	Relative standard error of—	
	Proportion of employees (percent)	Proportion of establishments (percent)
Employment-size	5	3
Industry	9	6
Industry X size	14	9
Total	3	2

d. Problems

There are no unusual problems requiring specialized sampling procedures.

e. Frequency

This is a one-time survey.

3 a. Response

To maximize the response rate for this survey, employers will be given a pledge of confidentiality and an explanation of the importance of the survey. A follow-up mailing will be made to the non-respondents of the initial mailing.

b. Nonresponse Adjustment

Within each of the 16 primary strata, supplemented by geographic strata defined by state codes if necessary, a non-response adjustment factor will be calculated and used, along with the stratum's sampling ratio, to weight the results for that stratum.

c. Reliability

Probability sampling methodology will be used in the design and analysis of the survey to control and estimate sampling errors.

d. Tests

A limited pre-test of the survey instrument was completed by eight voluntary mining companies. Modifications were made to the survey instrument, based on their responses and suggestions.

e. Statistical Responsibility

This survey is directed and managed by Tom Brown, Public Affairs Specialist, Office of Information and Public Affairs, MSHA (235–1452). The statistical aspects of this survey are the responsibility of Jon Kogut, Mathematical Statistician, Mine Safety and Health Administration (FTS: 776–2760).

Mining Industry Committee on Substance Abuse

Dear Mine Superintendent: The Mining Industry Committee on Substance Abuse needs your help. The Committee is studying policies and practices in the mining industry concerning job-related alcohol and drug use. This study will help us determine what actions we should take in the future to assist with efforts in dealing with the problems of substance abuse in our industry.

Part of our study is a survey of randomly selected companies in the industry, to obtain information about the extent and effects of substance abuse in our industry; the substance(s) being abused; and the policies and programs you are using to detect and threat substance abuse. Your company has been chosen to participate in this survey.

Your participation is entirely voluntary, but your cooperation is important to our entire industry since your responses will represent many other mining companies. The information you provide will be held in confidence. The data will be compiled and analyzed by an independent management consulting firm, Technical Assistance and Tranining Corporation (TATC). TATC will present their findings in summary form to the Mine Safety and Health Administration (MSHA) and the Committee. Your company will not be identified in any way in the final report. All answers to the questionnaries will be tabulated without identifying the respondent companies, and the questionnaries will be destroyed as soon as the responses are entered to the computer database.

If at all possible, we would appreciate receiving your response within 7 days. Completing the questionnarie should require only a few minutes of your time. If you prefer, you may provide your answers by telephone, by calling the contractor (Technical Assistance and Training Corporation) collect on (202) 333–4262, between 9:00 a.m. and 5:00 p.m., EDT, or you may FAX your completed questionnaire to the contractor on (202) 232–7822. Thank you for your cooperation.

Sincerely,

James Wilcox,

Co-Chairman, Mining Industry Committee on Substance Abuse, International Minerals & Chemical Corporation.

Frank Fantauzzo,

Co-Chairman, Mining Industry Committee on Substance Abuse, Appalachian Council, AFL-CIO.

Burden notice to accompany letter and questionnaire.

MSHA estimates that it will take an average of 10 minutes per respondent to complete this survey. If you have any comments regarding this estimate or any other aspect of the survey, you may send them to the Office of Information Management, Department of Labor, Room N-1301, 200 Constitution Avenue NW., Washington, DC 20210; and to the Office of Management and Budget, Paperwork Reduction Project 1219–xxxx, Washington, DC 20503.

Questions and Definitions

1. *Who should answer this questionnaire?* The questionnaire should be completed by the highest ranking company official at the mine site knowledgeable of that site's policies, programs and practices.

2. *What employees are included?* Substance abuse is not limited to one category of employee, and neither is this survey. All company employees, from the board room to the tool room, are included.

3. *What is "Substance Abuse"?* As used in this survey, it is the use of alcohol or any legal or illegal drug, including prescription and over-the-counter drugs, in such a way as to affect or potentially affect an individual's performance or threaten the safety of others on the job. This survey does *not* include use of tobacco or tobacco products.

4. *What drugs are included?* Any substance ingested, inhaled, injected, or absorbed that causes or may cause a change in behavior, either as a stimulant, depressant, or hallucinogen. It includes, but is not limited to, alcohol, over-the-counter or prescription pain medication (codeine, Demerol), tranquilizers (Valium), diet pills, heart or diabetes medication (Enderal), amphetamines, barbiturarates (Nembutal, Seconal, phenobarbitol), or illicit drugs such as heroin (smack), cocaine (crack or coke), marijuana, hashish, methamphetamines, or hallucinogens (PCP, LSD, peyote).

5. *What is an "Employee Assistance Program"?* Any workplace policy, procedure, or program intended to provide counselling, advise, or assistance to employees who experience personal situations or problems that directly or indirectly affect their work performance. The program may be sponsored and administered by the company, the union, or another party, may be conducted on-site or off-site, may include inpatient or outpatient services, or may be provided by contractual agreement with outside private or community sources. The program may provide assistance in a variety of personal (financial, martial, mental health, legal) problems, or be directed at more limited situations such as alcohol or drug abuse. Dependents may be included in some programs. Some programs may be known by other names, such as Help Programs or Wellness Programs. This survey is directed specifically at identifying programs, regardless of name, that include some form of attention to substance abuse problems, whether alcohol abuse, drug abuse, or both.

6. *Will my response be kept confidential?* Yes. The data will be compiled and analyzed by an independent management consulting firm, Technical Assistance and Training Corporation (TATC). All answers to the questionnaries will be tabulated without identifying the respondent companies, and the questionnaires will be destroyed as soon as the responses are entered to the computer database. TATC will present their findings in summary form to the Mine Safety and Health Administration and the Mining Industry Committee on Substance Abuse. Your company will not be identified in any way in the final report.

7. *My mine site is owned by a parent company, and uses the same personnel policies. Should I respond to the questionnaire?* Yes. Your mine site has been selected in a random selection process, which may or may not include your parent company or other mine sites owned by the same company. Your answers represent all other mining companies/mines that are about the same size, in the same general geographical area, and have operations similar to your. We want to try to determine whether practices and experiences are affected by local conditions, such as the availability of counselling or treatment programs.

8. *Is there a difference between a "drug testing" and a "drug screening" program?* Technically, there is a distinction between testing and screening. For the purposes of this survey, however, we are only interested in determining whether your company uses any systematic methods for determining whether an individual is under the influence of alcohol or drugs, or for detecting the presence of drug byproducts in the blood, urine, saliva, hair or other bodily substance of an individual. Drug testing programs normally require collection of samples in a controlled environment, for subsequent laboratory analysis; drug screening programs my include non-intrusive methods, such as breathalyzers, observation of eye movement and reactions, or unusual behaviour patterns.

9. *How can I get copies of the survey results?* The final survey report should be available by the middle of 1989. Address your requests for copies to the Office of Information and Public Affairs, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Room 601, Arlington, VA 22203.

10. *How can I find out more about the Mining Industry Committee on Substance Abuse?* The Mining Industry Committee on Substance Abuse is a voluntary association of representatives from mining management, labor unions, and involved Federal government agencies, formed in 1985 to assist the owners, operators, and employees in the mining industry in their efforts to deal with the issues of alcohol and drug abuse. While our activities have been supported by the Mine Safety and Health Administration (MSHA), of the Department of Labor, we are not an official government committee.

In the past three years, the Committee, in cooperation with MSHA, has taken several positive actions aimed at educating mining industry managers and employees about substance abuse. Together, we have produced and distributed a video tape on the dangers of alcohol and drug abuse, a manual on establishing and managing Employee Assistance Programs (EAP), and anti-abuse posters and stickers, and conducted regional seminars on substance abuse.

If you would like more information about our activities, please contact either of the Committee Co-Chairman, Mr. James Wilcox, IMC Corporation (telephone 505–887–2871), or Mr. Frank Fantauzzo, Appalachian Council, AFL–CIO (telephone 304–345–5811). You may also contact Mr. Tom Brown in the MSHA Office of Information and Public Affairs (telephone 703–235–1452), or use the comments section of our questionnaire to ask someone to contact you.

BILLING CODE 4510–43–M

MINING INDUSTRY COMMITTEE ON SUBSTANCE ABUSE

This report is authorized by_____. Its purpose is to gather information about the policies concerning substance abuse treatment programs of employers in the mining industry. Your voluntary cooperation is needed to make the results of this survey complete, accurate and timely. The information collected on this form will be used for statistical purposes only and the form will be destroyed immediately after tabulation of statistical summaries. Your response will not be identified with your company in the tabulated results.

Form Approved_____
O.M.B. No._____
Approval expires_____

(Space for mailing label)

RETURN TO:

TATC
2409 - 18th St. N.W.
Washington, D.C. 20009

For assistance call
(202) 333-4262
(Collect calls accepted)
FAX (202) 232-7822

1. Is your facility:

a. A single-site independent business ☐
b. Part of a multisite, mining only company ☐
c. Part of a company that also has non-mining businesses ☐

2. What is the highest number of employees you have had at your mine during the past 12 months?

a. Salaried ☐☐☐☐
b. Hourly ☐☐☐☐

3. Do you have a written company policy on the possession or use of alcohol or drugs at the work site? Yes ☐ No ☐

4. If yes, has this written policy been communicated to your employees within the past year? Yes ☐ No ☐

5. If your employees are represented by a union, what type of agreement on your policy do you have with your employee union(s)?

a. Formal ☐
b. Informal ☐
c. None ☐
d. Non-union ☐

6. What action(s) do your policies permit the first time an employee is determined to be in possession or under the influence of alcohol or drugs at the mine work site? (Check all that may apply, even if appropriate actions are determined on a case-by-case basis, or different actions apply to different situations.)

a. Immediate dismissal ☐
b. Suspension ☐
c. Warning or probation ☐
d. Referral to company, union, or community program ☐

7. Do you have a drug testing/screening program? Yes ☐ No ☐
(If yes, answer questions 8 through 16; if no, go directly to question 17)

8. Do you test for alcohol? Yes ☐ No ☐

9. Do you perform drug tests/screenings in any of the following situations? (Check all that apply)

a.	Preemployment	a. ☐
b.	Just cause	b. ☐
c.	Random announced	c. ☐
d.	Random unannounced	d. ☐
e.	Periodic	e. ☐
f.	After accidents	f. ☐
g.	All employees in a specific job category	g. ☐
h.	Part of "last chance" agreement or treatment follow-up	h. ☐
i.	Other: _____	

(Please answer questions 10,11 and 12 only if you conduct preemployment drug tests/screenings.)

10. How many applicants for employment did you have in the last 12 months? ☐☐☐☐

11. What percent of these applicants for employment were tested/screened for drugs or alcohol in the past 12 months? ☐☐☐ percent

12. Of those applicants for employment who were tested/screened in the past 12 months, approximately what percent tested positive? ☐☐☐ percent

(Please answer questions 13, 14, 15 and 16 only if you conduct employee drug tests/screenings.)

13. What percent of employees did you test/screen for drugs/alcohol in the past 12 months? ☐☐☐ percent

14. Of those employees who were tested/screened in the past 12 months, what percent tested positive? ☐☐☐ percent

15. From the test/screening results, what substances were found to be used by the employees you tested? (Check all that apply)

a.	Alcohol	a. ☐
b.	Marijuana	b. ☐
c.	Cocaine	c. ☐
d.	Other illegal drugs	d. ☐
e.	Prescription Drugs	e. ☐

16. From the test/screening results, which one of the substances listed in Question 14, above, was found to be most commonly used by the employees you tested? (Check only one)

a.	Alcohol	a. ☐
b.	Marijuana	b. ☐
c.	Cocaine	c. ☐
d.	Other illegal drugs	d. ☐
e.	Prescription Drugs	e. ☐

17. Do your training programs include information on alcohol or drug abuse? Yes ☐ No ☐

(If yes, answer questions 18 through 21; if no, go directly to question 22)

18. To whom is alcohol and drug abuse training provided? (Check all that apply)

a.	Management	a. ☐
b.	Supervisors	b. ☐
c.	Salaried employees	c. ☐
d.	Hourly employees	d. ☐

19. Who conducts your alcohol and drug abuse training? (Check all that apply)

a.	Safety staff	a. ☐
b.	Human resources staff	b. ☐
c.	Counseling service	c. ☐
d.	Training consultant	d. ☐
e.	Medical Department	e. ☐
f.	MSHA Grantee/State Contractor	f. ☐
g.	Other _____	

20. How many times per year is alcohol and drug abuse training provided?

a.	More than one time	a. ☐
b.	One time	b. ☐
c.	Less than one time	c. ☐

21. What is your source of training materials for alcohol and drug abuse training? (Check all that apply)

a.	Develop own	a. ☐
b.	Parent company	b. ☐
c.	Commercial source	c. ☐
d.	Outside counselor	d. ☐
e.	Material developed by another company	e. ☐
f.	Community agency	f. ☐
g.	State or local government	g. ☐
h.	MSHA	h. ☐
i.	Other Federal agency	i. ☐

22. Do you have a program to provide employee assistance counseling or treatment to employees with substance abuse problems? (If yes, answer questions 23 through 41; if no, go directly to question 42) Yes ☐ No ☐

23. Is your program:

a. A formal program a. ☐
b. An informal program b. ☐

24. How many years have you had your substance abuse program?

a. Less than one year a. ☐
b. 1 - 2 years b. ☐
c. 3 - 4 years c. ☐
d. 5 years or more d. ☐

25. Who administers your program? (Check all that apply)

a. Local management a. ☐
b. Parent company management b. ☐
c. Outside contractor c. ☐
d. Consortium d. ☐
e. Union e. ☐
f. Non-union employee representative f. ☐

26. Which employees does your program cover?

a. All employees a. ☐
b. Salaried only b. ☐
c. Hourly only c. ☐

27. Does your program offer assistance to dependents? Yes ☐ No ☐

28. Does your program offer assistance in areas other than substance abuse (such as family, financial, or legal counseling)? Yes ☐ No ☐

29. Does your program have a telephone hotline? Yes ☐ No ☐

30. Who provides counseling services?

a. Supervisor a. ☐
b. Human Resources or personnel staff b. ☐
c. Company medical staff c. ☐
d. Company EAP staff d. ☐
e. Parent company staff e. ☐
f. Personal physician f. ☐
g. Outside contractor/resource g. ☐
h. State/local service h. ☐

31. What percent of your employees (excluding dependents) made use of your employee assistance program within the past 12 months? (If unknown, check here___) ☐☐☐ percent

32. What percent of employees in your employee assistance program were self referred? (If unknown, check here___) ☐☐☐ percent

33. Of the employees who used your employee assistance program within the past year, what percent have involved counseling for substance abuse or dependency problems? (If unknown, check here___) ☐☐☐ percent

34. Of employees participating in the employee assistance program for alcohol or drug use, which substance was found to be most commonly used?

a. Alcohol ☐
b. Illegal drugs ☐
c. Prescription drugs ☐
d. Unknown ☐

35. Who provides alcohol/drug abuse or dependency treatment (detoxification) services?

a. Company facility ☐
b. Local hospital or clinic ☐
c. Specialized treatment facility ☐

36. How are alcohol/drug abuse or dependency treatment (detoxification) services provided?

a. Inpatient ☐
b. Outpatient ☐
c. Either, as appropriate ☐

37. Are the treatment facilities convenient to your work site or most employees' residences? Yes ☐ No ☐

38. Who provides aftercare services for employees who have completed detoxification treatment? (Check all that apply)

a. Treatment facility ☐
b. Counseling service ☐
c. AA or NA chapter ☐
d. Company staff ☐
e. No aftercare services ☐

39 How are costs of treatment paid? (Check all that apply)

a. Medical insurance ☐
b. Company funded ☐
c. Individual ☐
d. Union benefits ☐

40. Must an employee entering treatment services sign a continuing employment or "last chance" agreement with your company, as a condition of treatment? Yes ☐ No ☐

41. What percentage of employees have remained chemically free two years after treatment for drug or alcohol abuse? ☐☐☐ percent
(If unknown, check here___)

42. Do you formally evaluate or assess the effectiveness of your substance abuse policies and programs? Yes☐ No☐

43. If yes, what factors do you consider? (Check all that apply)

a.	Cost	a. ☐
b.	Utilization rate	b. ☐
c.	Successful return to work	c. ☐
d.	Accident rate	d. ☐
e.	Work attendance	e. ☐
f.	Productivity rate	f. ☐
g.	Employee turnover rate	g. ☐
h.	Other_____	

44. How can the Mining Industry Committee on Substance Abuse best support your efforts to eliminate substance abuse from the mining industry?

a.	Videotapes	a. ☐
b.	Seminars	b. ☐
c.	Mining Academy training programs	c. ☐
d.	Written publicity	d. ☐
e.	Other (Please explain) _____	

[FR Doc. 89-9935 Filed 4-25-89; 8:45am]
BILLING CODE 4510-43-C

Mine Safety and Health Administration

[Docket No. M-89-43-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1403-9(a) (shelter holes) to its Blacksville No. 1 Mine (I.D. No. 46-01867) located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that shelter holes be provided on track haulage roads at intervals of not more than 105 feet unless otherwise approved by MSHA's District Manager for the mine.

2. In order to rehabilitate the shelter holes to meet this requirement, miners would be exposed to unncessary hazards associated with building canopies behind the arches or cribbing to the roof behind the arches. If shelter holes are required to be established, miners will be allowed to travel on foot in the affected areas in numbers 10 and 11 headings while track equipment is present and constantly moving through the rotary dump causing greater chances for injury.

3. As an alternate method, petitioner proposes the following:

(a) Luminous signs designating "Close Clearance" would be posted at the track entrances to affected areas;

(b) No person would be allowed to enter the areas on foot without permission from the dispatcher and dumper;

(c) Telephones would be provided at the entrances to the affected areas;

(d) The dispatcher would notify all locomotive operators or other haulage vehicle operators of the location of work crews in the affected areas; and

(e) The dispatcher and dumper would be notified when the persons leave the affected areas.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1989.

Copies of the petition are available for inspection at that address.

Date: April 19, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9954 Filed 4-25-89; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Application No. D-7598 et al.]

Proposed Exemptions; Separate Mortgage and Real Estate Account of New England Mutual Life Insurance Co. et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5671, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Programs, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type required to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Separate Mortgage and Real Estate Account (the Separate Account) of New England Mutual Life Insurance Company Located in Boston, MA

[Application No. D-7598]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of certain mortgage and real estate investments by the Separate Account to the general account of New England Mutual Life Insurance Company (the Company), a party in interest with respect to the plans participating in the Separate Account (the Plans), provided that the terms of sale are not less favorable to the

Separate Account than those terms obtainable in an arm's-length transaction with an unrelated party at the time the transaction is executed.

Effective Date: If granted, this exemption will be effective for a 12-month period from the date of grant.

Summary of Facts and Representations

1. The Company's Separate Account was established in 1969 by vote of the Company's Board of Directors. The Separate Account is a pooled separate account maintained in accordance with the insurance laws of the Commonwealth of Massachusetts. There are eight Plans currently participating in the Separate Account. As of December 31, 1987, the assets of the Separate Account were valued at approximately $6.3 million.

2. The Separate Account is composed of seventeen commercial mortgage investments and two ground leases. The seventeen mortgages encumber sixteen real estate properties in sixteen separate locations. The Separate Account has varying interests in each of the mortgages ranging 1.544% to 66.667%. The partial interest in each mortgage gives the respective owner the right to receive a proportionate share of the contracted monthly debt service payment as well as a proportionate share of the loan proceeds at the loan call date. The two ground leases cover a 277,040 square foot warehouse facility located in Bellwood, Illinois and a 511 space mobile home park located in Dominguez, California.

3. The group annuity contracts issued with respect to the Separate Account provide the Plans with the right to request the distribution of all or part of their interests in the Separate Account. At the time the Separate Account was established, the Company planned that any needed liquidity would be provided by cash contributions from other plans, by maturing investments, and in the instance of large withdrawal requests, by transferring a sufficient number of mortgage interests or other investments from the Separate Account to the Company's general account in exchange for cash. The passage of the Act, however, rendered this last alternative originally contemplated for guaranteeing Separate Account liquidity illegal absent administrative relief.

4. One of the Plans participating in the Separate Account, Retirement Plans of Alumax, Inc. (Alumax), whose interest in the Separate Account represent 41% of the total assets of the Separate Account, has requested distribution of its interest in the Separate Account. Both the Company and Alumax would like a cash payment of its interest in the Separate Account to be made as soon as possible.

5. It is represented that none of the other Plans participating in the Separate Account have any desire to purchase Alumax's interest. In addition, in the Company's opinion, it would not be in the best interests of the Plans to sell the Separate Account's investments to unrelated third parties. The transaction costs to the Separate Account in finding such purchasers would be high, involving such items as updated title coverage, underwriting, physical inspections and possible guarantees from the Separate Account or the Company.

6. In order to meet its obligations to Alumax and to the other Plans that are expected to request withdrawal from the Separate Account, the Company requests that it be allowed to sell the assets of the Separate Account to its general account on an ongoing basis over a twelve month period, until the Separate Account assets are liquidated.

7. In connection with its proposal to sell the Separate Account assets to the general account, the Company has retained American Appraisal Associates, Inc. (American Appraisal), to act as an Independent Fiduciary for the Separate Account with respect to the proposed sale of the investments. American Appraisal is the world's largest evaluation consulting firm with clients that include banks, insurance companies, pension funds, savings and loan associations, investment bankers, and developers. American Appraisal is not affiliated with the Company and at no time has more than 1% of its annual billings been received from the Company. Each Plan participating in the Separate Account will be informed of the appointment of American Appraisal and its role in the transactions.

Before any sale from the Separate Account to the Company's general account is consummated, American Appraisal will review the sale transaction and submit a written report summarizing its investigation, both with respect to the specific investment to be sold by the Separate Account and to the price to be paid by the Company's general account. No sale will be made until the Independent Fiduciary has concluded that the valuation of the investment is consistent with current market values, and that the proposed sale is equitable to the Plans participating in the Separate Account.

The valuation process for commercial loans will involve an analysis by American Appraisal of each asset, taking into account, loan amount, remaining loan term, likely holding period, property type, and the interest rate. Due to the differences in interest rates of various assets and current market rates, the pricing analysis will compare loan yields with the most recent average yield of commercial mortgages priced with comparable holding periods. The value of the ground leases was determined by American Appraisal after completing a personal inspection of the two properties.

American Appraisal further represents that as part of its function as independent fiduciary, it has determined the order in which investments will be sold from the Separate Account to the Company's general account. The order of disposition has been developed to maintain the current portfolio characteristics for the remaining contract holders, specifically, the average yield of approximately 10%.

8. In summary, the applicant represents that the transaction will satisfy the statutory criteria of section 408(a) of the Act because:

a. The sale of the Separate Account investments, including the consideration paid, will be reviewed and approved by American Appraisal acting on behalf of the Plans participating in the Separate Account;

b. These sales will provide the Separate Account with the liquidity to satisfy the withdrawal requests of the Plans; and

c. There will be no sales commission or similar consideration paid by the Separate Account to the general account.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Joseph K. Newsom, M.D., P.A. Money Purchase Pension Plan and Trust (the Plan) Located in Cheraw, South Carolina

[Application No. D-7844]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a parcel of real property (the Property) from the Plan to Joseph K. Newsom (Newsom), a party in interest with respect to the Plan, provided the Plan receives no less than the greater of

$203,000 or fair market value for the Property at the time of sale.

Summary of Facts and Representations

1. Joseph K. Newsom, M.D., P.A., (the Employer) is a South Carolina professional association engaged in the practice of family medicine. The Plan is a money purchase plan for the benefit of the employees of the Employer. As of September 30, 1987, the Plan had approximately 14 participants and total assets of $1,474,830. Newsom is the sole owner of the Employer as well as the Plan trustee and a participant in the Plan.

2. The assets of the Plan include a parcel of real property (the Property) located in Cheraw, South Carolina. The Property consists of approximately 6.7 acres of undeveloped land. The Property is located in an area that is designated as commercial and is situated between two major shopping centers. The Property was bought from an unrelated party for cash in two tracts (in 1981 and 1984) for a total purchase price of $133,000. A small portion (0.23) of the original purchase, which is not part of the subject transaction, was developed into a dental office and is now rented to another party. The Property has not been used by any party in interest with respect to the Plan since the time of purchase.

3. The Plan obtained an appriasal on the Property from C. Lock McKinnon (McKinnon), a real estate appraiser in Lancaster, South Carolina. The applicant represents that McKinnon is independent of the Plan and the Employer. Placing emphasis on the comparable sales approach to value, McKinnon estimated that as of November 7, 1988, the fair market value of the Property was $203,000.

4. The Plan originally purchased the Property for investment purposes. However, the ages and length of service of several of the participants are now such that greater liquidity with respect to Plan investment is needed. The Plan trustee believes that a sale of the Property would provide more liquidity to the Plan and would enhance the diversification of Plan assets. Accordingly, the Plan proposes to sell the Property to Newsom. Newsom will pay no less than fair market value for the Property at the time of sale, based on an updated independent appraisal. The transaction will be entirely for cash and the Plan will pay no fees or commissions in regard to the sale.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) The fair market value of the Property will be established by a real estate appraiser who is independent of the Employer; (2) Newsom will pay no less than fair market value for the Property at the time of sale; (3) the sale of the Property will be entirely for cash; and (4) the transaction will provide greater liquidity to the Plan and will enhance the diversification of the investments of the Plan.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Dr. Sam W. McCalla, P.A. Profit Sharing Plan (the Profit Sharing Plan) and the Dr. Sam W. McCalla, P.A. Pension Plan (the Pension Plan; collectively, the Plans) Located in Greenville, SC

[Application No. D–7889]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale by the Plans of certain real property (Parcel A and Parcel B), for the total cash consideration of $170,200, to Sam W. McCalla, M.D. (Dr. McCalla), a disqualified person with respect to the Plans, provided the amount paid for Parcel A and Parcel B is not less than fair market value on the date the transaction is consummated.

Summary of Facts and Representations

1. The Plans, which are not disqualified persons with respect to each other, consist of the Profit Sharing Plan and the Pension Plan. Dr. McCalla, an orthopedic surgeon, is the sole participant in each Plan. As of August 31, 1988, the Profit Sharing Plan and the Pension Plan had total assets having fair market values of $196,436 and $118,615, respectively. The trustee of the Plans and the decisionmaker with respect to the Plans' investment is Dr. McCalla.

2. In July 1985, the Plans became inactive. At that time, Dr. McCalla, the sole shareholder of Sam W. McCalla, P.A. (the Employer), decided to dissolve his professional association due to a change in his personal goals. The Employer had been engaged in the practice of medicine in Greenville, South Carolina. As a result of the dissolution of the Employer, two vested employees who participated in the Plans elected to roll their benefits into individual retirement accounts. Although the Employer no longer exists as a legal entity, Dr. McCalla remains in the Plans as their sole participant.[1]

3. Among the assets of the Plans are two parcels of mostly unimproved, contiguous real property that are located on McConnell Road in Greenville County near the City of Greer, South Carolina. Parcel A is owned by the Profit Sharing Plan. It consists of 51.48 acres of land that have been improved with a 1200 square foot framed house, a horse stable and a small storage barn. Since 1979, the house and stable on Parcel A have been leased, on a month-to-month basis, to Ms. Jennifer Jones, an unrelated party, for $500 per month. Parcel B is owned by the Pension Plan. It consists of 53.6 acres of unimproved land. Both Parcel A and Parcel B are adjacent to other real property owned by Dr. McCalla. The applicant represents that neither Parcel A nor Parcel B have been used by or leased to disqualified persons with respect to the Plans.

4. The Plans purchased Parcel A and Parcel B as cotenants of a single tract of land (the Property) in December 1973. The seller of the Property was the Loftis Estate, an unrelated party. The Plans paid $106,162 for the Property. To acquire the Property, the Plans made a total downpayment to the seller of $27,150. Of this amount, $15,260 was paid by the Profit Sharing Plan and $11,890 was paid by the Pension Plan. The Plans financed the remainder of the acquisition price by obtaining a first mortgage loan in the original principal amount of $79,012 from the Bank of Greer located in Greer, South Carolina. The lender was also an unrelated party. The loan was for a duration of five years and it carried interest at the rate of six percent per annum.

5. Between December 1977 and October 1979, the Profit Sharing Plan obtained, in connection with its interest in the Property, three additional loans having an aggregate principal amount of $62,000 from two unrelated banks. No such financing was obtained by the Pension Plan. The applicant represents that all payments due under the original mortgage loan and the three subsequent loans were made by the Plan in a timely manner and there were never any defaults or delinquencies. At present, the Property is unencumbered by outstanding loan obligations of either Plan.

[1] Because Dr. McCalla is the only participant in the Plans and the Employer is wholly-owned by Dr. McCalla, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

6. Although it was originally intended that the Profit Sharing Plan own an undivided 60 percent interest in the Property and the Pension Plan, an undivided 40 percent interest, the deed to the Property failed to reflect the Plans' respective holdings. In 1979, the Property was partitioned into Parcel A and Parcel B to correct the error in the deed. The value of acreage then attributed to Parcel A and to Parcel B corresponded with the proportionate interests of the Plans in the Property. A new deed evidencing the partitioning of the Property was duly recorded. The applicant states that the Property was also partitioned to facilitate its future development and to enable Dr. McCalla to keep more accurate records.

7. Dr. McCalla believes it would be in the best interests of the Profit Sharing Plan and the Pension Plan to dispose of Parcel A and Parcel B. Dr. McCalla cites the following reasons for recommending this action: (a) The high percentage of the Plans' assets that are represented by Parcel A and Parcel B; (b) the possibility that the Plans' continued retention of Parcel A and Parcel B could pose liquidity problems at the time of Dr. McCalla's retirement; and (c) the fact that Parcel A and Parcel B have not appreciated greatly in value since 1973. Accordingly, Dr. McCalla requests an administrative exemption from the Department in order to purchase Parcel A and Parcel B from the Plans. Dr. McCalla proposes to pay the Profit Sharing Plan and the Pension Plan a sales price that will reflect the fair market values of Parcel A and Parcel B as such values are determined by a qualified independent appraiser. Neither Plan will be required to pay any real estate fees or commissions or incur any other expenses in connection with the proposed sale.

8. Parcel A and Parcel B have been appraised by Mr. John C. Kulze (Mr. Kulze), M.A.I., Executive Vice President of Wilkins Norwood and Company of Greenville, South Carolina and an independent appraiser. In appraisal reports dated December 28, 1988, Mr. Kulze placed the fair market value of Parcel A at $104,800 and the fair market value of Parcel B at $65,400. Mr. Kulze was also of the opinion that Parcel A and Parcel B were of no unique or special value to Dr. McCalla by reason of their proximity to other real property owned by Dr. McCalla and, as such, would not warrant Dr. McCalla paying a higher purchase price. Thus, in accordance with Mr. Kulze's determinations, Dr. McCalla will pay the Plans the fair market value of Parcel A and Parcel B on the date of sale.

9. In summary, it is represented that the proposed transaction will satisfy the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (a) The sale will be a one-time transaction for cash; (b) the sales prices for Parcel A and Parcel B have been determined by a qualified, independent appraiser; (c) the Plans will not be required to pay any real estate fees or commissions or other expenses in connection with the proposed sale; and (d) Dr. McCalla is the only participant in the Plans who will be affected by the proposed sale and he desires that such transaction be consummated.

Notice to Interested Persons

Because Dr. McCalla is the only participant in the Plans who will be affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Written comments and requests for a public hearing are due thirty days following the date of publication of the notice of proposed exemption in the **Federal Register.**

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Merrill, Lynch, Pierce, Fenner & Smith Inc. Prototype Individual Self-Employment Retirement Plan (the Plan) Located in Greensboro, North Carolina

[Application No. D–7899]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26 (1975–1 C.B. 722). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale to the Plan of 125 shares of stock (the Shares) in Precision Fabrics Group Inc. (the Company) by Charles H. Flynt, Jr. (Mr. Flynt), the sole participant in the Plan; provided that the sale price for the Shares is no greater than the fair market value of the Shares on the date of the sale.[2]

[2] Because Mr. Flynt is the sole participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

Summary of Facts and Representations

1. The Plan is a defined contribution Keogh plan which qualifies as a profit sharing plan for self-employed individuals under the Internal Revenue Code (I.R.C.) section 401(a) and 401(c). Merrill, Lynch, Pierce, Fenner, and Smith, Inc. (Merrill Lynch) established the Plan and is the custodian of the Plan. On October 7, 1983, Mr. Flynt adopted the Plan, which has assets of $665,655.71, as of December 30, 1988. The bulk of the assets in the Plan is attributable to a roll-over contribution from a distribution Mr. Flynt received upon termination of the profit sharing plan of Flynt, Inc., a plan qualified under I.R.C. section 401(a).

2. The Company, a North Carolina corporation, was formed early in 1988 to acquire substantially all of the assets and business of the Precision Fabrics Division of Burlington Industries, Inc. On February 16, 1988, Mr. Flynt acquired 125 Shares of common stock of the Company at a price of $1,000 per share for a total price of $125,000. The Shares are not publicly traded. According to the shareholder's agreement with respect to the purchase of Shares in the Company, dated April 15, 1988, sales, assignments and other transfers or encumbrances of the Shares are restricted, except that transfers to members of the shareholder's immediate family and to other shareholders are permitted; provided certain conditions are met. In addition, the Company (and thereafter each of the other shareholders) has a right of first refusal with respect to any Shares for which a shareholder receives a bona fide offer to purchase such Shares.

3. Brian T. Napier (Mr. Napier), President, A.S.A. of Capital Analysts Inc. Business Appraisals, located in Greensboro, North Carolina, performed an appraisal of the fair market value of the Shares. In a letter dated November 10, 1988, Mr. Napier originally established that the fair market value of the Shares, as of September 30, 1988, fell within the range of from $940 to $1,040 per share. Subsequently, Mr. Napier revised his November 10 letter and established the value of the Shares to be $1,040 per share based upon approximately 10,639 shares of common stock issued and outstanding, as of September 30, 1988, on a fully-diluted basis. Mr. Napier represents that he is independent in that he has no past, present, or intended ownership or financial interest in the Company and that his fee was not contingent upon the conclusions of value stated in the appraisal. Mr. Napier is qualified in that

he is a senior member of the American Society of Appraisers and has nearly twenty (20) years experience in establishing opinions of value of closely-held companies.

4. An exemption is requested to allow the Plan to purchase the Shares from Mr. Flynt for $130,000 in cash; provided that such price is no greater than the fair market value of the Shares on the date of the sale. It is represented that certificates representing the Shares will be transferred to Merrill Lynch who will hold them as assets of the Plan. It is represented that Merrill Lynch will not act as broker dealer in this matter and will receive no compensation with respect to the transaction. After the exclusion of the sale, the Company will record the transfer of the Shares to the Plan on its stock transfer book and thereafter will recognize the Plan as the legal owner of the Shares.

It is estimated that the value of the Shares after the sale will constitute 16.3% of the total assets of the Plan. The Plan will incur no transfer costs of any kind as a result of the sale.

Mr. Flynt represents that based on his knowledge and experience and familiarity with the operation and financial condition of the Company that the Shares will be an ideal investment for the Plan in that the value of the Shares will grow significantly over the long term and will provide him, as the sole participant, a retirement income greater than that which could be provided by other investments. Mr. Flynt argues that the Company, while functioning as a division of Burlington Industries for many years, was a consistently superior performer. It is represented that because the management team of the Company, under its new ownership consists of the former president and other key executives of Burlington Industries, and because operations of the Company have continued to the present without material change, that there is no reason to believe the Company will not continue to be profitable. Although the Shares are not publicly traded, Mr. Flynt represents that the Shares are nevertheless readily marketable, and that the restrictions on transferability of the Shares would not significantly reduce marketability.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 4975 of the Code because:

(a) The Plan will pay the fair market value of the Shares of the Company as determined by an independent qualified appraiser;

(b) The Plan will incur no transfer costs of any kind in connection with the acquisition of the Shares of the Company;

(c) The sale is a one-time transaction for cash; and

(d) Mr. Flynt is the only participant in the Plan, such that the transaction will only affect Mr. Flynt.

Notice to Interested Persons: Because Mr. Flynt is the only participant in the Plan, it has been determined by the Department that there is no need to distribute the notice of pendency to interested persons. Comments and requests for a hearing must be received by the Department within 30 days of the date of publication of this notice of proposed exemption in the Federal Register.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Green Mountain Radiology, Inc. Profit Sharing Plan (the Plan) Located in Montpelier, Vermont

[Application No. D-7904]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a proposed cash sale by the Plan of a certain parcel of unimproved land (the Property) to Dr. James R. Chandler (Dr. Chandler), a party in interest with respect to the Plan, provided that the Plan receives the greater of $16,000 or the fair market value at the time of the sale.

Summary of Facts and Representations

1. The Plan, established on October 1, 1979, is a profit sharing plan with 4 participants. As of September 30, 1988, the Plan had $1,304,409 in assets. As of the same date, Dr. Chandler's assets in his separate account (the Account) in the Plan were $253,711. The Plan permits participants to direct the investments of their separate accounts. The current trustees are Dr. Chandler, Dr. J. Lorimer Holm, Dr. Robert Johnson, and Dr. Barnum Royal (the Trustees). All of the Trustees are participants in the Plan, as well as employees, stockholders, and officers of Green Mountain Radiology, Inc. (the Employer). The employer is a medical corporation engaged in the practice of radiology.

2. On July 23, 1986, the Account purchased the Property from an unrelated third party for $10,042.50. The Property consists of 4 acres of unimproved vacant land located in Berlin, Vermont. The applicant represents that the Property was acquired with the intent to plant 1500 Christmas trees on the property and thereby produce income, but the trees were destroyed within the following two years by a "Bedstraw" weed. The applicant maintains that the cost of weed eradication would be prohibitive and environmentally unsound. The applicant further maintains that the Property is currently unproductive, vacant and unused.

3. The applicant proposes to sell the Property to Dr. Chandler, a party in interest with respect to the Plan. An appraisal of the Property was prepared by Bruce C. Ellison, SRA (Mr. Ellison), a real estate appraiser and consultant with Ellison Appraisal Associates. The appraisal dated October 27, 1988 estimates the fair market value of the Property to be $16,000. Mr. Ellison is independent of the Plan and the Employer. Mr. Ellison is a member of the Society of Real Estate Appraisers, and was twice President of its Vermont chapter. He also represents that he is qualified because he has appraised approximately 200 parcels of land in the central Vermont area. Mr. Ellison, in his appraisal, also addresses the question of whether the ownership of property adjacent to the Property by Dr. Chandler creates a special premium value to Dr. Chandler above a value which may be paid by third parties for the Property. Mr. Ellison maintains that because Dr. Chandler already owns 35 acres, the acquisition of an additional four is not a highly motivating factor for the purchase. However, because his ownership of adjacent land allows Dr. Chandler legal access to the otherwise landlocked Property, Mr. Ellison concludes that some premium should be placed on the value of the Property. The appraisal incorporates such a premium.

4. The applicant represents that the transaction is desirable for the Plan. The transaction would involve 1.2% of the total Plan's assets and 6.2% of Dr. Chandler's separate account. The applicant further represents that the transaction is administratively feasible because the purchase price will be paid completely in cash at the time of the sale and the plan will pay no costs asociated with the sale. Also, the transaction is in the Plan's interest as the proposed sale will provide cash for productive reinvestment. It is also protective of the Plan as the fair market

value of the Property has been determined by an independent appraiser. There are no outstanding debts or mortgages on the Property. The Property is completely free of liens. The applicant represents that economic hardship will result if the proposed transaction is denied. The Plan will continue to hold an unproductive and illiquid asset that does not yield income. There has been no attempt of sale to another party. The applicant believes that because the Property is landlocked with no right of access it is unmarketable to a third party. The applicant maintains that there is no other purchaser presently available who is ready, willing and able to purchase the Property for its fair market value.

5. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act and section 4975(c)(2) of the Code because:

(a) The proposed sale will be a one-time cash transaction;

(b) The price paid to the plan will be the greater of $16,000 as established by an independent appraisal or the fair market value of the Property at the time of the sale;

(c) The Plan will pay no expenses associated with the sale;

(d) The sale will allow the Plan to liquidate its investment portfolio and will provide cash for income yielding investment.

For Further Information Contact: Ekaterina A. Uzlyan of the Department at (202) 523-8194 (this is not a toll-free number).

White River Diagnostic Clinic, P.A. Retirement Plan (the Plan) Located in Batesville, Arkansas

[Application No. D-7907]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).[3] If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale for cash by the Plan of certain real property (the Real Property) to Paul Baxley, M.D., (Dr. Baxley) a disqualified person with respect to the Plan, provided that the price paid be no less than the fair market value of the Real Property as of the date of sale as determined by an independent and qualified appraiser.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan sponsored by White River Diagnostic Clinic, P.A. (the Clinic). Dr. Baxley is the sole shareholder, officer and director of the Clinic. Dr. Baxley and his wife, Sheila Baxley, are the only participants in the Plan. As of June 30, 1988 the Plan had $206,746.09 in assets.

2. On April 20, 1982 the Plan acquired the Real Property, a detached frame two-bedroom residence located at 1301 Sidney Street in Batesville, Arkansas, from Dale E. Anderson and his wife, Fionnula Anderson, and Paul T. Wayland and his wife, Vivian Wayland, unrelated third parties, for $26,000 in cash. The applicant represents that the Real Property was acquired as an investment and to produce rental income, but that since 1982 local property values have declined considerably, that the Real Property is currently unrented, and that the Real Property has remained on the market for over thirty-six months without attracting a buyer. The applicant represents that the Real Property has never been rented to or otherwise used by any disqualified person with respect to the Plan.

3. On August 11, 1988, R.L. Carpenter, Jr., an independent and qualified real estate appraiser practicing in Batesville, Arkansas, stated that the fair market value of the Real Property was $22,000.

4. Accordingly, the Plan proposes to sell the Real Property to Dr. Baxley for cash at its fair market value at the date of sale as determined by an independent and qualified appraiser. No commissions, fees, or taxes in connection with the sale will be paid by the Plan.

5. In summary, the applicant represents that the proposed transaction will satisfy the criteria of section 4975(c)(2) of the Code because: (a) the Real Property will be sold for its fair market value as of the date of the sale as determined by an independent and qualified appraiser; (b) the sale represents a one-time transaction for cash which can be easily verified; (c) the sale will not require the payment by the Plan of any commissions, fees, or taxes; (d) the Plan will be able to divest itself of property which is declining in value; and (e) Dr. Baxley, the trustee of the Plan, and his wife, the only participants in the Plan, and the only persons affected by the proposed transaction, desire that the transaction be consummated.

Notice to Interest Persons: Because Dr. Baxley and his wife are the only participants in the Plan, it has been determined that there is no need to distribute the notice of pendency to interested persons. Comments and requests for a hearing must be received by the Department within 30 days of the date of publication of this notice of proposed exemption in the **Federal Register**.

For Further Information Contact: Joseph L. Roberts III of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Pennfield Precision, Inc. Profit Sharing Plan (the Plan) Located in Sellersville, PA

[Application No. D-7917]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale by the Plan of certain unimproved real property (the Property), for the total cash consideration of $70,000, to the John F. Matczak and Carl F. Tate General Partnership (the Partnership), a party in interest with respect to the Plan, provided the amount paid by the Partnership for the Property is not less than fair market value at the time the transaction is consummated.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 58 participants and total assets of approximately $591,177 as of October 12, 1988. The Plan is sponsored by Pennfield Precision, Inc. (the Employer), a Pennsylvania corporation which operates a precision machine shop in Sellersville, Pennsylvania. The trustees of the Plan are Messrs. John F. Matczak and Carl F. Tate (Messrs. Matczak and Tate), both of whom are officers and shareholders of the Employer. Mr. Matczak makes investment decisions for the Plan.

2. The Partnership is a general partnership in which Mr., Matczak holds a 60 percent interest and Mr. Tate, a 40 percent interest. The Partnership was formed in June 1974 for the purpose of

[3] The applicant represents that Paul Baxley, M.D., is the sole shareholder, officer and director of White River Diagnostic Clinic, P.A., the Plan sponsor, and that Paul Baxley, M.D. and his wife, Sheila Baxley, are the sole participants in the Plan. Accordingly, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

real estate development. The Partnership is located in Sellersville, Pennsylvania.

3. Among the assets of the Plan is the Property, a parcel containing 59.4 acres of unimproved and unencumbered land located in rural Charleston Township, Tioga County, Pennsylvania. The Property adjoins several parcels of land that are owned by Messrs. Masczak and Tate. The Plan purchased the Property on December 20, 1973 for investment purposes from Mr. and Mrs. Robert J. Patierno, Jr., who were unrelated parties. The Plan paid $29,000 for the Property. The purchase was not financed by any indebtedness. In addition to paying the purchase price, the Plan's only expenditures incurred in connection with its ownership of the Property have been expenses related to the 1973 purchase totaling $469 and real estate taxes of approximately $2,000. The applicant represents that since the time of acquisition by the Plan, the Property has not been used by or leased to parties in interest with respect to the Plan.

4. To provide the Plan with liquidity and the ability to invest in higher income-producing assets, the Partnership requests an administrative exemption from the Department in order that it may purchase the Property from the Plan. The Plan proposes to sell the Property to the Partnership for a total sales price of $70,000. The consideration for the Property will be paid by the Partnership in cash. In addition, all fees and other expenses coincident with the sale will be borne entirely by the Partnership.

5. The Property was valued by Mr. Al Stoltzfus (Mr. Stoltzfus), a licensed real estate broker and an independent appraiser affiliated with Stoltzfus Appraisal Service of Wellsboro, Pennsylvania. As of November 16, 1988, Mr. Stoltzfus placed the fair market value of the Property at $64,000. Mr. Stoltzfus opined that the value placed on the Property took into account its potential for future development. In addition, by letter dated March 7, 1989, Mr. Stoltzfus stated that, as neighboring owners, Messrs. Matczak and Tate would be expected to pay an additional premium that would not exceed $5,000. Thus, the proposed purchase price of $70,000 is in excess of the fair market value of the Property and the premium that would be paid by an adjacent property owner.

6. In summary, it is represented that the proposed transaction will satisfy the statutory criteria for an exemption under section 408(a) of the Act because: (a) The proposed sale of the Property will be a one-time transaction for cash; (b) the sales price for the Property, which will be greater than its fair market value as determined by an independent appraiser and will more than compensate the Plan for all expenses it has incurred in connection with the acquisition and holding of the Property; (c) the Plan will not incur any real estate fees or other expenses in connection therewith; and (d) the proposed sale will allow the Plan to invest the cash proceeds from the Property in higher income-yielding investments.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Ralph Wilson Plastics Employees Retirement Plan (the Plan) Located in Temple, TX

[Application No. D–7921]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale by the Plan of a certain parcel of unimproved real property (the Property) to Ralph Wilson Plastics Company (the Company), a party in interest, provided the sales price for the Property is not less than the greater of: (a) the the fair market value of such Property on the date of sale; or (b) the Plan's total acquisition and holding costs with respect to the Property.

Summary of Facts and Representations

1. Premark International, Inc. (Premark), the sponsor of the Plan is a Delaware corporation engaged in the manufacture and marketing of consumer and commercial products under widely-recognized brand names including Tupperware, Wilsonart, Hobart, West Bend, Vulcan and Precor. Premark maintains its principal place of business in Deerfield, Illinois. The Company, a wholly-owned subsidiary of Premark, is engaged in the manufacture of decorative laminate remodeling products for residential and commercial use. The Company is located at 600 Bruce Drive, Temple, Texas.

2. The Plan is a defined contribution plan that was established by the Company in 1959. Since March 31, 1976, the assets of the Plan hve been frozen and the Company has made no further contributions. The Plan, however, continues to qualify as a tax-exempt plan. Employees of the Company who were participants in the Plan at the time it was frozen, still participate in the Plan. As of the plan year ended December 31, 1987, the Plan had total assets of approximately $6,938,541. As of the plan year ended December 31, 1988, the Plan had 388 participants. The Plan presently has twelve trustees (the Trustees), six of whom are permanent and six of whom rotate. The rotating Trustees are appointed by Premark's Management Committee for Employee Benefits for a one year term. The Trustees are officers and employees of Premark and the Company and they have discretionary control over the investment of the Plan's assets.

3. On July 17, 1985, the Trustees met to discuss the possibility of purchasing, on behalf of the Plan, 37.786 acres of unimproved real property that was adjacent to the Company's plant and located directly north of the Temple, Texas Industrial Park on the east of Wendland Road. In accordance with the terms of the Trust Agreement, which authorized the Trustees to make such investments, the Trustees purchased the Property on August 15, 1985 from the Michelin Tire and Rubber Company, an unrelated party, for $340,131. The Trustees believed the Property would be a good investment for the Plan and that it would appreciate in value.

4. The Property is the only real property ever owned by the Plan. Since the date of its acquisition, the Plan has paid a total of $6,351 in real estate taxes, levies and assessments. In addition, the Plan has not leased the Property to Premark, the Company or any party in interest nor has the Plan, Premark, or the Company utilized the Property. Currently, the Property remains unimproved and it is not subject to any lease. Through the 1987 growing season, the Property was leased on an unrelated third party as farmland.

5. On December 4, 1985, the Plan granted a 10 foot right of way easement to the Texas Power and Light Company (Texas Power), an unrelated party. The purpose of the easement was to enable Texas Power to install multiple poles and guy-wire anchorages located along the southeast border of the Property. On April 29, 1988, the Plan deeded a 15 foot public utility easement, a 20 foot right of way easement along the Property's western boundary and a 15 foot right of way easement along the Property's northern boundary to the City of Temple, Texas) the City). These

additional easements were granted by the Plan to enable the City to contruct sewer, water, gas and telephone lines on the Property. The Plan was paid $18,000 as consideration for the granting of the easements to the City.

6. Due to a slowing of the economy in central Texas and the availability to prospective purchasers of less expensive property located in the industrial park directly south of the Property, the investment return for the Property that was expected has not been realized. Although the Trustees have considered various options that are available to the Plan with respect to the Property, including practicality of advertising it for sale to the general public, they believe the most appropriate course of action to take is to sell the Property to the Company. In this way, the Trustees believe the sale proceeds can be placed in higher-yielding investment vehicles for the Plan. Therefore, an administrative exemption is requested from the Department.

7. The Company proposes to purchase the Property from the Plan for cash for a sales price that will be no less than the higher of: (a) The fair market value of the Property on the date of the sale; or (b) the Plan's original acquisition cost for the Property, plus all fees, taxes, levies and assessments on the Property and other expenses incurred by and paid by the Plan since August 15, 1985. The Company will pay all costs incurred with respect to the sale of the Property including any fees, commissions or expenses incident to such sale.

8. The Property was appraised by Messrs. Clemo L. Ray, Jr., M.A.I. and Curtis E. Ginnow, Associate (Messrs. Ray and Ginnow), independent appraises affiliated with the appraisal firm of Central Texas Appraisal Company of Temple, Texas. In an appraisal report dated December 15, 1988, Messrs. Ray and Ginnow placed the fair market value of the Property at $342,000 as of December 9, 1988. The appraisal report did not include approximately .853 acres of land that were subject to two of the easements because Messrs. Ray and Ginnow determined that these tracts were not part of the unsable parcel.

By letter dated February 27, 1989, Mr. Ray acknowledged that the excluded acreage could still be considered part of the Plan's fee simple estate. As such, he concluded that the fair market value of the Property would be increased to $348,000. Mr. Ray further certified that the Property would have no unique or special value to the Company warranting the payment of a higher purchase price by reason of its proximity to other property owned by the Company. Messrs. Ray and Ginnow will provide the Company with an updated valuation of the Property that will be effective as of the date of the proposed sale.

9. In summary, it is represented that the proposed transaction will satisfy the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sale will be a one-time transaction by the Plan for cash; (b) the Plan will sell the Property at the greater of its fair market value as determined by qualified independent appraisers or its total acquisition and holding costs; (c) the Plan will not pay any real estate fees or commissions or other expenses in connection with the sale; (d) the sale will allow the Trustees to invest, on behalf of the Plan, the sale proceeds in higher-yielding investment vehicles; and (e) the Trustees have determined that the sale of the Property is in the best interests of the Plan and is protective of the Plan's participants and beneficiaries.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of April, 1989.

Robert J. Doyle,

Director of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 89–9998 Filed 4–25–89; 8:45 am]

BILLING CODE 4510-29-M

[Application No. T–7492]

Proposed Exemption; Wells Fargo Bank, N.A.

AGENCY: Pension and Welfare Benefits Administration, Labor

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Federal Employees' Retirement System Act of 1986 (FERSA).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room, N–5671, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. T–7492. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and

Welfare Benefit Programs, U.S. Department of Labor, Room N–5510, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing.

SUPPLEMENTARY INFORMATION: The proposed exemption was requested in an application filed pursuant to section 8477(c)(3) of FERSA, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), as amended to apply to FERSA.

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for a complete statement of the facts and representations.

Wells Fargo Bank, N.A., (the Bank) Located in San Francisco, California

[Exemption Application No. TR–7492]

Proposed Exemption

The Department of Labor is considering granting an exemption under section 8477(c)(3) of the Federal Employees' Retirement System Act of 1986 (FERSA) and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), as amended to apply to FERSA. If the exemption is granted the restrictions of section 8477(c)(2) of FERSA shall not apply to the purchase and sale of stocks between the Equity Index Fund sponsored by the Bank and other investment funds advised and/or managed by the Bank or its affiliates, nor to the acquisition, holding and disposition of the common stock of Wells Fargo by the Equity Index Fund under the terms and conditions set forth in this notice of proposed exemption.

Effective Date: February 5, 1988.

Summary of Facts and Representations

1. The Bank is a national banking association regulated by the Comproller of the Currency. The Bank was appointed as a manager with respect to the Thrift Savings Plan established pursuant to the provisions of FERSA (the Plan) on December 21, 1987. The Bank also provides investment advisory and trustee services to many qualified pension and profit sharing plans qualified under section 401(a) of the Internal Revenue Code (the Code), governmental pension plans as defined under section 414(d) of the Code and other institutional accounts and individuals.

2. Section 8438(b) of FERSA requires that the Federal Retirement Thrift Investment Board (the Board) establish a Common Stock Index Investment Fund (the "C" Fund) to be invested in a portfolio designed to replicate the performance of an index which is a commonly recognized index comprised of common stocks, the aggregate market value of which is a reasonably complete representation of the United States equity markets. The agreement between the Bank and the Board provides that the "C" Fund shall be invested with the objective of replicating the Standard & Poor's 500 Composite Stock Price Index (the S&P 500). Pursuant to this agreement, the Bank currently intends to invest the assets of the "C" Fund in its Equity Index Fund which also has the investment objective of replicating the return of the S&P 500. While this agreement would permit the Board to have the assets of the Plan invested in an individual, "stand-alone" portfolio that satisifes the statutory objective, the Bank currently intends to invest the assets of the "C" Fund in its Equity Index Fund. The Bank will not charge the Plan any additional fees for investing in the Equity Index Fund. The Bank's compensation is derived solely from management fees which it receives from the Plan and which are no more than the fees that would be charged for individual management of a "stand-alone portfolio".

3. The Equity Index Fund is passively managed in that the choice of stocks purchased and sold, and the volume purchased and sold are made according to an independent third party index, the S&P 500, rather than according to active evaluation of investments. Also, the Bank has no direct or indirect beneficial interest in the assets of the Equity Index Fund, and the Bank as trustee of the Equity Index Fund is prohibited from acquiring such an interest by regulations promulgated by the Comptroller of the Currency.

4. Cash contributions which are directed by Plan participants to be invested in the "C" Fund are invested by the Plan in the Equity Index Fund. In exchange for such cash contributions, the Plan receives investment units (Units) evidencing the investment. When a participant is to receive a distribution or wishes to reallocate all or a portion of his or her investent in the "C" Fund to a different investment fund, the Bank may be instructed to liquidate Units and transfer the resulting cash from the Equity Index Fund to the Plan. Transaction costs for investments or withdrawals are allocated among the participants in the Equity Index Fund (which includes the Plan and other employee benefit plans).

5. Investments or wtihdrawals normally occur on "opening" dates. On these openings, which occur at least 4 times a month, the Bank nets the investments (including cash dividends received on stocks held by the Equity Index Fund) and withdrawals from the Equity Index Fund against each other and makes sales and purchases of stocks as the aggregate amount invested in the Equity Index Fund rises or falls. In addition, the S&P 500 will occasionally add or delete a stock or change the relative capitalization weighting of a stock. The criteria for such changes are established and maintained by the Standard & Poor's Corporation. If a stock is deleted from the S&P 500, the Equity Index Fund must sell the stock. These changes in the S&P 500 are infrequent, although radical shifts in the availability of equity stocks occasioned by corporate "takeover" activity have increased the frequency of changes in the S&P 500. With respect to the timing of the above transactions, the Bank states that it attempts to replicate any changes to the Equity Index Fund as quickly as possible, generally within three days of the event.

6. the applicant represents that if the Equity Index Fund is required to engage in a stock transaction because of one of the events described above and must do so in the open market, the Equity Index Fund would incur substantial transaction costs including brokerage commissions, the "marketmakers spread" (the amount charged by the exchange specialists for accepting market risk in the stock price during the transactions) and the possible negative market impact of large block trades. These costs, it is represented, can be substantially reduced if cross-trading is done among the Equity Index Fund and investment funds sponsored by the Bank and or managed by the Bank or its affiliates.

7. The applicant represents that the average brokerage commission paid by the Bank for regular market transactions is 3–4 cents per share. The commission paid for the cross-trades is only 1 cent per share or less, which reflects the record keeping costs charged by brokers. In this regard, the applicant represents that the brokers are able to provide record keeping services more

economically than the Bank. Cross-trades will avoid the marketmakers spread and the negative market impact caused by large block transactions.

8. The Bank was previously granted an exemption by the Department under section 408(a) of the Employee Retirement Income Security Act of 1974 and section 4975(c)(2) of the Internal Revenue Code allowing cross-trading between certain plans for which the Bank provides advisory and trust services. See Prohibited Transaction Exemption 87–51, 52 FR 22557, June 17, 1987 (PTE 87–51). The applicant is now requesting that a similar exemption be granted under FERSA. The applicant represents that a large proportion of Equity Index Fund stock transactions are eligible for such cross-trades and that these cross-trades can generate substantial transaction cost savings for the Equity Index Fund and therefore for its participants, including the Plan. The applicant represents that all the brokers used in cross-trades will be unrelated to and independent of the Bank. The applicant further represents that from July 1, 1987 through December 31, 1987, the Equity Index Fund utilizing PTE 87–51 saved approximately $700,000 in brokerage commissions. The Bank uses the closing price on the date of the trade for shares listed on a national exchange or NASDAQ to set the share price for all cross-trades except in situations where a particular stock is added or deleted from the S&P 500, in which case the Bank will use the opening price on the next trading day. The Bank represents that it is necessary to use the opening price on the next trading day, because additions or deletions to the S&P 500 are not typically announced until after the market has closed for the day. By using the opening price on the next day of trading, the Bank states that the transaction price will be more representative of the probable price of a market trade and as a result investment performance-tracking errors may be avoided.

9. Additionally, the applicant represents that on April 29, 1987, Standard and Poor's added Wells Fargo Stock (the Stock) to the S&P 500. Because of concerns over the propriety of acquiring the Stock, the Equity Index Fund has not acquired any of the Stock to date. Although the Stock constitutes only a small fraction of the S&P 500, the Applicant represents that failure to acquire the Stock has led to tracking errors. Further, as stated previously, the Equity Index Fund is passively managed and stocks purchased and sold, including the Stock are made pursuant to an independent third party index. Accordingly, the Bank proposes to acquire and hold the Stock in the Equity Index Fund as required by the S&P 500.

10. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria of section 8477(c)(3) of FERSA because: (a) the Equity Index Fund will buy or sell stocks only when changes are made to the portfolio of stocks held in the S&P 500 and when a participant in the Plan invests in or withdraws from the "C" Fund, (b) the Equity Index Fund will save significant amounts of money on brokerage commissions, (c) the Bank will receive no additional fees as a result of the proposed cross-trades, and (d) the acquisition and holding of Wells Fargo stock will allow the Board to carry out its statutorily mandated investment directive of replicating an index which is a reasonably complete representation of the United States equity markets.

For Further Information Contact: Alan Levitas of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 8477(c)(3) of FERSA does not relieve a fiduciary or other party in interest from certain other provisions of FERSA, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 8477(b)(1), which among other things require a fiduciary to discharge his duties respecting the Plan solely in the interest of the participants and beneficiaries of the Plan, for the exclusive purpose of providing benefits to participants and beneficiaries.

(2) Before an exemption may be granted under section 8477(c)(3) of FERSA, the Department must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Plan.

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of FERSA. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of April 1989.

Robert J. Doyle,

Director of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 89–9999 Filed 4–25–89; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Multidisciplinary Arts Curriculum Development; Grants and Cooperative Agreements; Availability

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement that will suport the development and piloting by schools or school districts of up to three examples of a multidisciplinary arts curriculum equivalent to one Carnegie unit of high school work. The content will be a course which could be considered fulfilling high school graduation requirements in the arts for all students in grades 9–12. Eligibility to submit proposals is limited to schools or school districts containing grades 9 through 12 or 10 through 12. Schools or school districts are encouraged to collaborate with other institutions, agencies, and associations serving students in grades 9–12 or with institutions of higher education in applying to the Endowment. In all cases, however, a school or school district must be the principal applicant. Those interested in receiving the Solicitation package should reference Program Solicitation PS 89–07 in their request and include two (2) self-addressed labels. No verbal requests for the Solicitation will be honored.

DATES: Program Solicitation PS 89–07 will be available approximately May 1, 1989 with proposals due on June 30, 1989.

ADDRESS: Requests for the Solicitation should be addressed to National Endowment for the Arts, Contracts Division, Room 217, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: William I. Hummel, Contracts Division, National Endowment for the Arts, 1100

Pennsylvania Avenue NW., Washington, DC 20506 (202/682–5482).

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

[FR Doc. 89–9961 Filed 4–25–89; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrences for Fourth Quarter CY 1988; Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident under an NRC–issued license was determined to be an abnormal occurrence (AO) using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). The AO is described below, together with the remedial actions taken. The event is also being included in NUREG–0090, Vol. 11, No. 4 ("Report to Congress on Abnormal Occurrences: October–December 1988"). This report will be available in the NRC's Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC about three weeks after the publication date of this **Federal Register** Notice.

88–14 Medical Therapy Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered a abnormal occurrence.

Date and Place—November 17, 1988; Wilkes-Barre General Hospital; Wilkes-Barre, Pennsylvania.

Nature and Probable Consequences—On November 18, 1988, the licensee notified NRC Region I by telephone that a therapeutic misadministration had occurred involving a patient receiving treatment for an endo-bronchial tumor.

A radiotherapy physican had prescribed a therapeutic dose of 750 rads to the right bronchus at a distance of 0.5 centimeters from an irridium–192 source in a remote afterloading brachytherapy device. However, the staff radiotherapy physicist mistakenly developed a treatment plan that delivered 750 rads at 1.0 centimeter from the source. This resulted in a dose of 1800 rads at 0.5 centimeters from the source, rather than the prescribed 750 rads.

The licensee stated that the dose received by the endo-bronchial tumor is within standard treatment protocols for that type of tumor and that no adverse effects are anticipated as a result of the misadministration.

However, the event was of concern because of the large magnitude of error. NRC Region I conducted a special inspection of the license on November 29, 1988, to review the circumstances associated with the event and the corrective actions planned by the licensee to prevent recurrence. In addition, NRC Region I requested an NRC medical consultant to review the event.

Cause or Causes—The cause was attributed to human error. The licensee's staff radiotheraphy physicist used the wrong table of the manual used to develop a treatment plan.

Actions Taken to Prevent Recurrence

Licensee—Corrective actions include independent verifications of treatment calculations (one by a dosimetrist and one by a radiotherapist), providing additional the training on a therapy equipment, and providing an additional chart for determining maximum treatment times for each treatment plan.

NRC—On December 16, 1988, NRC Region I sent a Confirmatory Action Letter to the licensee confirming the licensee's corrective action plans. The NRC's consultant confirmed the licensee's statement that the dose received was within standard treatment protocols and that no adverse effects to the patient was anticipated. The report for the November 29, 1988 NRC inspection was issued on February 8, 1989. NRC Region I has scheduled a management meeting with the licensee to review the licensee's corrective actions.

Dated at Rockville, MD this 20th day of April 1989.

For the Nuclear Regulatory Commission.

Samuel J. Chilk

Secretary of the Commission.

[FR Doc. 89–10005 Filed 4–25–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–2061]

Kerr-McGee Chemical Corp.; Availability of Supplement to the Final Environmental Statement for the Rare Earths Facility, West Chicago, DuPage County, IL

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Supplement to the Final Environmental Statement (SFES) prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the decommissioning of the Kerr-McGee Chemical Corporation's Rare Earths Facility located in West Chicago, Illinois, is available for inspection by the public in the Commission's Public Document Room at the Gelman Bulding, 2120 L Street, NW., Washington, DC 20555. The SFES is also available for inspection at the Commission's Local Public Document Room in the West Chicago Public Library, 332 E. Washington Street, West Chicago, Illinois 60185. The SFES is being provided to the State Clearinghouse, Bureau of the Budget, Lincoln Town Plaza, 524 S. Second Street, Springfield, Illinois 62706. The SFES is also being sent to the Metropolitan Clearinghouse, Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago, Illinois 60606. Requests for copies of the SFES (identified as NUREG–0904, Supplement No. 1) should be addressed to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7982.

The SFES was prepared in response to an order of the Atomic Safety and Licensing Board presiding over this proceeding that the NRC staff should prepare a supplemental environmental impact statement that evaluates permanent disposal of the mill tailings from operation of the Rare Earths Facility. *Kerr-McGee Chemical Corp.* (West Chicago Rare Earths Facility), LBP–85–3, 21 NRC 244 at 256 (1985).

The licensee's engineering report and related documents are also available for public inspection at the above designated locations. The notice of availability of the Draft Supplement to the Final Environmental Statement (DSFES) for the Kerr-McGee Rare Earths Facility and request for comments for interested persons was published in the **Federal Register** on June 29, 1987 (52 FR 24229). The comments received from federal, state, and local agencies and interested members of the public and the NRC staff's responses to these comments have been included as an appendix to the SFES and are contained in Volume 2.

Kerr-McGee's proposal decommissioning and stabilization plan involves demotion of the existing buildings, removal of building rubble and contaminated soil to an adjacent disposal site, and stabilization of the materials on the adjacent disposal site

in an engineered cell. The Kerr-McGee proposed plan and alternatives to the plan are discussed in the SFES. The NRC staff is recommending approval of Kerr-McGee's proposal for onsite stabilization in an engineered disposal cell. The NRC staff believes that disposal of the wastes onsite can be accomplished in a safe and environmentally sound manner.

Dated at Rockville, Maryland, this 19th day of April 1989.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 89-9995 Filed 4-25-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on General Electric Reactor Plants (ABWR); Meeting

The ACRS Subcommittee on General Electric Reactor Plants (ABWR) will hold a meeting on May 10-11, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Wednesday, May 10, 1989—8:30 a.m. until the conclusion of business. Thursday, May 11, 1989—8:30 a.m. until the conclusion of business*

The Subcommittee will continue its review of the GE ABWR. The Subcommittee will also preview Chapters 7, 8, 9, 11, 12, 13, 14 and 17 of the Safety Analysis Report related to GE ABWR.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 301/492-7750) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: April 20, 1989.

Gary R. Quittschreiber,

Chief, Project Review Branch No. 2.

[FR Doc. 89-10006 Filed 4-25-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co. and South Carolina Public Service Authority; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards; Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for operation of the Virgil C. Summer Nuclear Station, Unit 1, located in Fairfield County, South Carolina.

The proposed amendment to the Virgil C. Summer Nuclear Station Technical Specifications (TS) would reduce the number and severity of starts of the emergency diesel generators, thereby decreasing engine wear and increasing reliability. This proposed change was originally noticed as a proposed no significant hazards consideration on July 17, 1985 at 50 FR 29016 and renoticed on June 4, 1986 at 50 FR 20373, and August 24, 1988 at 53 FR 32295.

By letter dated November 9, 1987, the NRC requested additional information on the proposed changes. The licensee responded with a submittal dated May 16, 1988 that was modified in a July 14, 1988 submittal. These two submittals were referenced in the August 24, 1988 proposed no significant hazards consideration.

The November 18, 1988 submittal modified the note to Table 4.8-1 to indicate that loading the diesel generator was part of the ten tests identified in the note. Therefore, Surveillance Requirement 4.8.1.1.2.a.4 was added to the note. Surveillance Requirement 4.8.1.2 was also modified to indicate that loading the diesel generator (4.8.1.1.2.a.4) was unnecessary in the demonstration of the operability of the A.C. electrical power sources. Finally, Surveillance Requirement 4.8.1.1.3 was modified to indicate that a Special Report is required to be filed with the Nuclear Regulatory Commission for all failures of the diesel generators, valid or non-valid.

The April 5, 1989 submittal modified Surveillance Requirement 4.8.1.2 to delete the term "or verification" from it. In addiiton, the note to TS 3.8.1.2.b was modified to indicate that the ESF Load Sequencer may be deenergized in Modes 5 and 6 provided that the loss of voltage and the degraded voltage relays are disabled.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination is provided below.

The licensee has determined the proposed amendment involves no significant hazards consideration as follows:

(1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because a reduction in frequency and severity of diesel generator test starts will result in less wear and stress on engine parts. This will decrease the probability of an accident due to failure of engine parts, and the consequences of an accident will not change.

The present Technical Specifications do not require the various sequencer actuation signals to be operable in Modes 5 and 6. The defeat of the loss of voltage and degraded voltage relays in conjunction with the sequencer being inoperable will prevent a potential inadvertent overload of the unit and

require the operator to manually control loading of the unit. A conservative engineering evaluation has shown that there is adequate time for manual operator action. This change will decrease probability of a diesel failure and enhance the operators' capability to respond to a loss of power in Modes 5 and 6.

(2) The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated because the design and function of the diesel generator will not change. Starting and loading of the diesel generator will be manually controlled to reduce the possibility of overloading the unit.

(3) The proposed amendment does not involve a significant reduction in the margin of safety because there will be no change in response times or emergency loads assumed in the accident analysis for Modes 5 and 6.

The NRC Staff has made a preliminary review of the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to 7920 Norfolk Avenue, Room P-216, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m.

Copies of written comments received may be examined at the Nuclear Regulatory Commission Public Document Room, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 26, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reason why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceedign, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW. Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Randolph R. Mahan, South

Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 10, 1985, as supplemented December 6, 1985 and May 16, July 14, July 28, and November 18, 1988 and April 5, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Dated at Rockville, Maryland, this 20th day of April 1989.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9996 Filed 4–25–89; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Conservation and Electric Power Plan; Final Amendments, 1989 Supplement

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council, Council).

ACTION: Notice of final amendments.

SUMMARY: Pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (16 U.S.C. 839 *et seq.*), the Council, in April 1983, adopted a Northwest Conservation and Electric Power Plan (Plan) including model conservation standards (MCS). The most recent complete amendment of the Plan was adopted in 1986. Although the Act requires the Council to review the Plan at least every five years, the Council has taken up certain parts of the Plan more frequently, to respond to ongoing changes in the regional energy picture and to incorporate the most recent technology and analysis. The Council has now amended the Plan by updating the technical data on which portions of the Plan depend. The Council has also adopted a response to the public comments received on the Supplement. This notice describes the amendments contained in the 1989 Supplement and explains how to receive copies of the Supplement, its appendices and/or response to comments.

SUPPLEMENTARY INFORMATION: As directed by the Northwest Power Act (16 U.S.C. 839 *et seq.*, the Act), the Council developed and adopted a regional conservation and electric power plan shortly after its formation. The Plan includes an energy conservation program, including, but not limited to, model conservation standards; a recommendation for research and development, a methodology for determining quantifiable environmental costs and benefits; a twenty-year demand forecast; a forecast of power resources that the Bonneville Power Administration will need to meet its obligations; an analysis of reserve and reserve reliability requirements; and a surcharge methodology. The Plan also includes the Fish and Wildlife Program, developed pursuant to other procedural requirements under the Act.

In otder to keep the Plan as up to date as possible, the Council entered a public involvement process in January 1988 by publishing a staff issue paper entitled "Plans for a Technical Update to the 1986 Power Plan." The Council followed this paper with several issue papers on key planning areas, including economic, demographic and fuel price assumptions; demand forecasts; and analyses of the cost and availability of conservation and generating resources. In November 1988, after considerable public comment, the Council published a Staff Draft Update, which covered all the subjects treated in the issue papers. The Draft Update also generated extensive public comment. Most commentors said that while certain technical features of the Plan ought to be updated in the near term, the Draft Update as a whole proposed more fundamental changes in the Plan, some of which touched on basic policy issues, than could be addressed in the relatively short time proposed for the Update process. In particular, commentors, believed that several resources in the draft resource portfolio needed more deliberate consideration. These include cogeneration, and its cost and performance data, transmission and distribution system efficiency improvements, voltage regulation, as well as strategies to back up nonfirm power. Many commentors suggested that the Council identify the more basic policy issues now, but taken them up on a more extended schedule.

Following these comments, the Council revised the Draft Update. In this revision, which was called the Draft Supplement, the Council reduced the more controversial resource portfolio estimates to the values found in the 1986 Power Plan.

Amendments

The amendments to the Supplement highlight the Council's power planning process, including, in particular, its philosophy of and strategies for implementing least cost planning. The Supplement also identifies certain major policy issues proposed for future, more detailed consideration.

The Supplement is chiefly aimed at bringing up to date the demand forecasts contained in the Plan, the estimates of resources available to meet future demand, both conservation and generating resources, and, within the limits noted above, an updated resource portfolio. The Supplement also contains several appendices, which document the revised forecasts of economic, demographic and fuel price assumptions, revised demand forecasts; revised estimates of the cost availability of conservation resources; revised estimates of the cost and availability of new generation (hydroelectric, cogeneration, strategies to improve the use of the existing hydro system by using combustion turbines, and coal, along with a listing of the cost components considered) in the Northwest; and a description of the region's hydroelectric power system.

The Supplement amends the Council's Power Plan, affecting portions of Chapters 1–8 of the 1986 Plan. It does not modify Chapter 9 (the Action Plan). In case of conflict between the Supplement and the 1986 Power Plan, the Supplement supersedes the Plan. In all other instances, the Supplement is an addition to the 1986 Power Plan.

FOR FURTHER INFORMATION CONTACT. If you would like a copy of the 1989 Supplement to the 1986 Power Plan, the Supplement Appendices, and/or the Response to Comments, please contact Judi Hertz in the Council's Office of Public Information and Involvement. The Council's address is: 851 SW. 6th Avenue, Suite 1100, Portland, Oregon 97204. The Council's telephone numbers are: (503) 222–5161 and (toll free) (800)

222–3355 in Idaho, Montana, and Washington or (800) 452–2324 in Oregon.

Edward Sheets,

Executive Director.

[FR Doc. 89–9957 Filed 4–25–89; 8:45 am]

BILLING CODE 0000–00–M

Northwest Conservation and Electric Power Plan; Draft Amendments to the Commercial Model Conservation Standards

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of proposed amendment to the 1986 Northwest Power Plan model conservation standards for new commercial buildings.

SUMMARY: At its April 12, 1989 meeting the Council voted to distribute for public comment a draft revision of the Model Conservation Standards (MCS) for new commercial buildings. Approximately one year ago, the Council received public comment on proposed revisions, but decided to delay entering rulemaking until new national standards for commercial buildings were completed. The Secretary of the U.S. Department of Energy recently authorized final standards for new federally owned commercial buildings, and the Council believes that the process for updating its standards for new commercial buildings can now proceed.

SUPPLEMENTARY INFORMATION: As directed by the Northwest Power Act (16 U.S.C. 839 *et seq.*, the Act), the Council developed and adopted a regional conservation and electric power plan shortly after its formation. The Plan includes an energy conservation program, including, but not limited to, Model Conservation Standards for new commercial buildings.

Through its experience in implementing the Power Plan, the Council has developed a practice by which it continually reviews and updates, in orderly fashion, elements of the Plan. The frequency with which an element is updated often depends on the availability of new information or changed circumstances. While some proposed amendments are taken up on the Council's own initiative, others are the result of informal suggestions or recommendations from outside parties. In addition, the Council has adopted specific procedures that allow any person to petition for an amendment to the Plan at any time. In this case, the Council granted a petition filed by the Northwest Conservation Act Coalition (NCAC) and the Natural Resources Defense Council (NRDC) that had argued that potentially economically feasible and reigonally cost-effective savings remained beyond the Council's current MCS. The Council, based on its own analysis, on public comments received and on information obtained from consultations with interested parties, has prepared proposed revisions to the MCS for new commercial buildings.

DATES AND ADDRESSES: The Council will accept public comment on the proposed amendments through July 14, 1989. Public hearings will be held in Idaho, Montana, Oregon and Washington. The exact time and location of these hearings will be published in the next issue of the Council's newsletter, *Update!* and can also be obtained by calling the Council's Office of Public Information and Involvement.

INSTRUCTIONS FOR WRITTEN COMMENT: Comments should be sent to the Council's central office, 851 SW. Sixth Suite 1100, Portland, Oregon 97204. Written comments should be clearly marked "COMMERCIAL MCS."

FOR FURTHER INFORMATION CONTACT: If you would like a copy of these proposed amendments, please contact Judi Hertz in the Council's Office of Public Information and Involvement. The Council's address is: 851 SW. 6th Avenue, Suite 1100, Portland, Oregon 97204. The Council's telephone numbers are: (503) 222–5161 and (toll free) (800) 222–3355 in Idaho, Montana, and Washington or (800) 452–2324 in Oregon.

Edward Sheets,

Executive Director.

[FR Doc. 89–9958 Filed 4–25–89; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[34–26741; AMEX–89–5]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc., Relating to Acceleration of Trade Comparison

April 18, 1989.

Pursuant to section 19(b)(1) of the 78s(b)(1), notice is hereby given that on March 8, 1989, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange is proposing that transactions effected on the Exchange be compared or otherwise closed out within one business day from the date of trade, rather than within five business days, as is the current practice. Adoption of new Rule 719 will not affect the settlement of equity transactions, most of which are currently compared and settled within five business days from the date of trade.

Shortening the comparison time frame will improve the efficiency of equity comparisons and clearance and reduce the exposure of members and member organizations to risk due to market fluctuations on uncompared or questioned trades.

For the past year the Exchange and the New York Stock Exchange ("NYSE") have been working with the member firm community and the National Securities Clearing Corporation ("NSCC") to establish operational parameters, systems and rules which will implement next-day comparison. The NYSE has filed a proposed rule change (SR–NYSE–88–36) requiring next-day resolution of open trades and has proposed implementation within 18 months of Commission approval. As in the case of the NYSE, we seek approval of new Rule 719 by the Commission, but would allow up to 18 months to fully implement the rule requirements. This

delayed implementation would enable the Exchange to coordinate with the NYSE, NSCC and member firm community the details of additional rules and procedures, and to assure operational readiness when the rule becomes effective.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it fosters cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Amex consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex.

Exhibit A—American Stock Exchange, Inc.

Proposed Rule Change

Next Day Comparison of Exchange Transactions Rule 719. (a) Notwithstanding any other rule to the contrary, on and after [date], each transaction effected on the Exchange shall be compared or otherwise closed out by the close of business on the Exchange on the business day following the day of the contract.

(b) The provisions of paragraph (a) above shall apply regardless of whether the transaction has been submitted to the National Securities Clearing Corporation ("NSCC") for comparison or settlement, but such provisions shall apply only to contracts for "regular way" settlement in stocks, rights and warrants unless (i) the Exchange determines to apply the provisions to contracts in other securities or contracts for other settlement terms or (ii) the terms of the contract (i.e., "next day settlement") require comparison to be effected on or before the business day following the day of the contract.

(c) To facilitate next day comparison of transactions effected on the Exchange as provide for in paragraph (a) above, by such time following any such transaction as the Exchange may prescribe, each member or member organization which is a party to the contract shall submit, or cause to be submitted, such trade data as may be required by the Exchange or the NSCC in such form as the Exchange or the NSCC shall prescribe, to:

(i) The NSCC; or

(ii) Such facility as the Exchange may develop and implement to facilitate comparison of transactions effected on the Exchange; and,

(iii) In the case where the NSCC will not be used to compare or setttle the transactions, to the party or parties on the other side of the trade.

(d) Members and member organizations shall comply with such other rules and procedures as may be adopted by the Exchange or the NSCC for the comparison or settlement of transactions, for the resolution of uncompared or questioned trades, and for the collection and submission of audit trail data.

All submissions should refer to File No. SR–Amex–89–5 and should be submitted by May 17, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9914 Filed 4–25–89; 8:45 am]

BILLING CODE 8010-01-M

[34–26740; MCC–89–01]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corporation Relating to the Acceleration of the Processing of Over-the-Counter ("OTC") Trades

April 18, 1989.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 4, 1989, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

This filing is a proposed rule change by Midwest Clearing Corporation ("MCC") which accelerates the processing of Over-the-Counter ("OTC") trades.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule

change is to accelerate by one business day the processing of OTC trades. The enhancement will also provide for the accommodation of the Automated Confirmation Transaction System (ACT) currently under development with the National Association of Securities Dealers ("NASD").

The OTC acceleration is expected to significantly reduce Participant exposure on potential problem trades by accelerating the trade resolution and reporting process by approximately one day. In addition, acceleration of such trade resolution will better enable Participants to reduce potential financial exposure.

Currently, Participants are generally required to submit OTC trade data to MCC (input) by 3:00 p.m. on the next business day following trade date (T+1). Trade reports (output) reflecting trade data submitted by the Participants and the results of the comparison process are reported by MCC generally by 7:00 a.m. on T+2. (The required cut-off time for submission of trade input is dependent upon the particular method of input, e.g., manual submission, magnetic tape, terminal, etc.)

Under the proposed new procedures, Participants must generally submit trade data by 4:45 p.m. (CST) (manual submission) on Trade Date for comparison and clearance on Settlement Date (Trades submitted on T+1 or later must be submitted as "As-of" trades). MCC will report trade data to Participants by 7:00 a.m. on the morning of T+1. Participants may submit adjustments until 3:00 p.m. on T+1. MCC will issue corresponding output by 7:00 a.m. on T+2.

Finally, the revised procedures accommodate NASD's ACT System (ACT will lock-in transactions as close as possible to the time of trade execution). All ACT locked-in trades will be identified with the acronym "ACT". All ACT trades will be reported to Participants in the form of T+1 Locked-In Contracts by 7:00 a.m. of T+1.

The proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") in that it facilitates the prompt and accurate clearance and settlement of securities transactions by a SEC-registered clearing corporation.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Participants were advised of the proposed rule change in an Administrative Bulletin dated February 15, 1989. No comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 17, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-9915 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

[34-26744; MSTC-89-01]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Company Relating to a New Limited Category of Participation

April 18, 1989.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on April 11, 1989, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Midwest Securities Trust Company's ("MSTC") proposal establishes a new limited participant category.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

During the past several months, management of MSTC has accelerated its efforts to enhance and improve efficiencies in the reconciliation process of Regional Interface Organization ("RIO") or "flipped" trades. ("Flipped" trades are those that are submitted or otherwise "flipped" for ultimate settlement from MSTC to another clearing agency whose clearance and settlement facilities are linked with MSTC). To facilitate this process, MSTC has established a new limited category of MSTC Participant entitled "RIO Participants.".

As proposed in the rule change, a RIO Participant's sole purpose for

membership in MSTC is the facilitation of settlement at another clearing agency through RIO. A RIO Participant will not be required to accept book-entry deliveries from another Participant, unless expressly authorized by the RIO Participant or unless such delivery is required by MSTC because, among other things, settlement can not occur at another clearing agency (for example, the security is non-RIO eligible or the other clearing agency ceases to act for the RIO Participant prior to settlement at such clearing agency).

In all other respects, RIO Participants will be subject to MSTC's normal rules and procedures, including those relating to MSTC Article V (Participants) and Article VI (Property Held for Participants).

MSTC believes that the proposed rule change is consistent with the purposes and requirement's of section 17A of the Securities Exchange Act of 1934, as amended, in that it provides for the efficient, prompt and accurate settlement of securities transactions through linked clearing agencies.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MSTC does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have not generally been solicited or received regarding the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities & Exchange Commission, 450 Fifth Street NW. Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to SR-MSTC-89-01 and should be submitted by May 17, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-9916 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

[34-26739; NASD-89-21]

Self-Regulatory Organizations; Notice of Filing and Order Granting Temporary Accelerated Approval to Proposed Rule Change by National Association of Securities Dealers Relating to Limit Order Capabilities for the Association's Small Order Execution System

April 18, 1989.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 14, 1989, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Item I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend until September 30, 1989 the Securities and Exchange Commission's temporary approval of the limit order capabilities of the Association's Small Order Execution System which were approved for a ninety day period on January 19, 1989.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to extend the Commission's temporary approval of the SOES limit order system until September 30, 1989. This extension will allow the NASD to continue to monitor utilization of the system and will provide an opportunity for the NASD to address concerns as to the operation of the system raised by the Commission in the temporary approval order.[1] To date, the system has been functioning as anticipated. As of March 20, 1989, the NASD completed the phase in of all securities and the system is currently carrying approximately 680 open limit orders. The NASD has experienced no system related problems and no capacity problems during the implementation phase of the SOES limit order file.

The statutory basis for the further development and implementation of SOES is found in section 11A(a)(1)(B) and (C)(i), 15A(b)(6) and 17A(a)(1)(B) and (C) of the Securities Exchange Act of 1934. Section 11A(a)(1)(B) and (C)(i) set forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transaction through new data processing and communication techniques. Section 15A(b)(6) requires that the rules of the Association be designed to "foster cooperation and coordination with persons engaged in regulations, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market". Section 17A(a)(1)(B) and (C) set forth the Congressional goal of reducing costs involved in the clearance

[1] *See* Securities Exchange Act Release No. 26476 (1/19/89); 54 FR 3881 (1/26/89).

and settlement process through new data processing and communication techniques. The NASD believes that the modifications to SOES will further these ends by providing enhanced mechanisms for the efficient and economic execution and clearance of limit orders in over-the-counter securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association does not anticipate that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received with respect to the proposed rule changes contained in this filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD has requested that the Commission find good cause pursuant to section 19(b)(2) of the Act for approving the proposed rule change on a temporary basis prior to the thirtieth day after publication in the **Federal Register** and in any event before April 19, 1989 the date the Commission's temporary approval of the Limit Order File expires. The Association believes that the enhancement to the SOES system is benefitting members and their public customers by providing an automated method of processing limit orders for all SOES participants. The NASD believes that the extension will provide the NASD with the opportunity to consider concerns relating to matching of orders at prices between the spread which were raised in the Commission's temporary approval order.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, the requirements of sections 11A(a)(1)(B), 15A(b)(5) and 17A(a)(1)(B) and (C) and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof in that accelerated approval will benefit public investors by continuing to provide limit order storage and execution capabilities which can result in more efficient handling of customer orders. The Commission believes that the benefit of extending of the temporary rule change until September 30, 1989 outweigh any potential adverse effects during the period of the rule change's effectiveness.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Steet, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by May 17, 1989.

It is therefore ordered. Pursuant to section 19(b)(2) of the Act, that the proposed rule change, SR–NASD–89–21, be, and hereby is, approved until September 30, 1989. For the Commission, by the Division of Market Regulation, pursuant to delegate authority, 17 CFR 200.30–3(a)(12).

Jonathan G. Katz

Secretary.

[FR Doc. 89–9917 Filed 4–25–89; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–26736; File No. SR–NSCC–89–04]

Self-Regulatory Organizations; Notice of Proposed Rule Change by National Securities Clearing Corporation Relating to Acceleration of Trade Comparison Process

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 31, 1989, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.

The proposed rule change would amend NSCC's Rules and Procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The primary purpose of the proposed rule change is to redesign the Listed Equity Comparison System to accelerate the comparison process, thus allowing Members to resolve uncompared trades earlier. This change is being made in conjunction with the New York Stock Exchange and American Stock Exchange's proposed automated correction systems and proposed T+1 close out rules.

The T+1 close out rules, as set forth in NYSE proposed rule filing 88–36 and AMEX rule filing 89–5, require that transactions effected on these exchanges be compared or otherwise closed out within one business day from the date of trade, rather than within five business days. NSCC and the exchanges' purpose for this accelerated comparison is to increase the efficiency of post trade comparison and reduce the risk of loss due to market fluctuations on uncompared trades.

As part of this change, the exchanges have developed their own automated correction systems (see NYSE 89–03) which will eliminate the need for the adjustment processing currently performed by NSCC. Exchange Members will be required to input trade adjustments through these systems.

Under NSCC's proposed rule change, Members will be required to input trade data by 2:00 a.m. on T+1 rather than the afternoon of T+1. Members may also input data throughout the trading day. Members will be able to delete, through NSCC, uncompared transactions prior to 2:00 a.m. on T+1. As data is received, NSCC will perform a series of matches

using expanded audit trail data, the results of which will be reflected on the Regular Way T+1 Contract List, available by 4:00 a.m. the morning of T+1 for automated output and 7:00 a.m. for print output. NSCC will route the results of the comparison process to the exchanges, where resolution of uncompared trades will occur. The NYSE and AMEX will transmit to NSCC by 5:00 p.m. on T+1, the results of their adjustment processing. These results will be reflected by NSCC on Adjustment Contracts, available to Members by 8:00 p.m. on the evening of T+1.

While it is expected that the exchanges will be able to perform all adjustments once acceleration of input and comparison occurs, NSCC will retain the ability, in the event that the automated adjustment systems are not ready, to process, under accelerated time frames, Advisory Listings, deletes of suggested name, As-Of trades, and will also continue to generate as necessary, pre-printed QT's and DK's. (NSCC may still generate DK's and QT's upon request even after the exchanges' systems are in place.)

Currently, the procedures for comparison of equity and debt transactions executed OTC, as well as debt transactions executed on the NYSE and AMEX, refer to the procedures for comparison of listed equities. The proposed rule change modifies these sections to reflect the fact that the procedures for input, comparison, adjustment and output for each of these transactions are, due to acceleration and redesign of the listed system, different from the listed equity procedures. The proposed rule change also makes certain technical clarifications. The NYSE and AMEX anticipate implementing their automated adjustment processing by June 30, 1989. Due to the interrelationship of NSCC's listed redesign and the exchange correction processing, NSCC's acceleration of input and comparison must coincide with the implementation of the exchanges' correction systems.

(b) The proposed rule change promotes the prompt and accurate clearance and settlement of securities transactions and fosters the cooperation and coordination with persons engaged in the clearance and settlement of securities transactions. Therefore, it is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not perceive that the proposed rule change will have an impact on or impose a burden on competition.

c. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Members have been advised by Important Notices dated August 19, 1988 (which includes NSCC notice and NYSE notice) February 23, 1989, March 8, 1989 and March 22, 1989. No written comments have been received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, and all written communications relating to the proposed rule change that are filed with Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-NSCC-89-04 and should be submitted May 17, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: April 17, 1989.

[FR Doc. 89-9918 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

[34-26742; NSCC-89-04]

Self-Regulatory Organizations; Notice of Proposed Rule Change by National Securities Clearing Corporation Relating to Acceleration of the Trade Comparison Process

April 18, 1989.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 31, 1989, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend NSCC's Rules and Procedures.

II. Self-Regulatory Organization's Statement of, the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change.

(a) The primary purpose of the proposed rule change is to redesign the Listed Equity Comparison System to accelerate the comparison process, thus allowing Members to resolve uncompared trades earlier. This change is being made in conjunction with the New York Stock Exchange and American Stock Exchange's proposed

automated correction systems and proposed T+1 close out rules.

The T+1 close out rules, as set forth in NYSE proposed rule filing 88–36 and AMEX rule filing 89–5, require that transactions effected on these exchanges be compared or otherwise closed out within one business day from the date of trade, rather than within five business days. NSCC and the exchanges' purpose for this accelerated comparison is to increase the efficiency of post trade comparsion and reduce the risk of loss due to market fluctuations on uncompared trades.

As part of this change, the exchanges have developed their own automated correction systems (see NYSE 89–03) which will eliminate the need for the adjustment processing currently performed by NSCC. Exchange Members will be required to input trade adjustments through these systems.

Under NSCC's proposed rule change, Members will be required to input trade data by 2:00 a.m. on T+1 rather than the afternoon of T+1. Members may also input data throughout the trading day. Members will be able to delete, through NSCC, uncompared transactions prior to 2:00 a.m. on T+1. As data is received, NSCC will perform a series of matches using expanded audit trail data, the results of which will be reflected on the Regular Way T+1 Contract List, available by 4:00 a.m. the morning of T+1 for automated output and 7:00 a.m. for print output. NSCC will route the results of the comparison process to the exchanges, where resolution of uncompared trades will occur. The NYSE and AMEX will transmit to NSCC by 5:00 p.m. on T+1, the results of their adjustment processing. These results will be reflected by NSCC on Adjustment Contracts, available to Members by 8:00 p.m. on the evening of T+1.

While it is expected that the exchanges will be able to perform all adjustments once acceleration of input and comparison occurs, NSCC will retain the ability, in the event that the automated adjustment systems are not ready, to process, under accelerated time frames, Advisory Listings, deletes of suggested name, As-Of trades, and will also continue to generate as necessary, pre-printed QT's and DK's. (NSCC may still generate DK's and QT's upon request even after the exchanges' systems are in place.)

Currently, the procedures for comparison of equity and debt transactions executed OTC, as well as debt transactions executed on the NYSE and AMEX, refer to the procedures for comparison of listed equities. The proposed rule change modifies these sections to reflect the fact that the procedures for input, comparison, adjustment and output for each of these transactions are, due to acceleration and redesign of the listed system, different from the listed equity procedures. The proposed rule change also makes certain technical clarifications. The NYSE and AMEX anticipate implementing their automated adjustment processing by June 30, 1989. Due to the interrelationship of NSCC's listed redesign and the exchange correction processing, NSCC's acceleration of input and comparison must coincide with the implementation of the exchanges' correction systems.

(b) The proposed rule change promotes the prompt and accurate clearance and settlement of securities transactions and fosters the cooperation and coordination with persons engaged in the clearance and settlement of securities transactions. Therefore, it is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not perceive that the proposed rule change will have an impact on or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Members have been advised by Important Notices dated August 19, 1988 (which includes NSCC notice and NYSE notice) February 23, 1989, March 8, 1989 and March 22, 1989. No written comments have been received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, and all written communications relating to the proposed rule change that are filed with Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5. U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–NSCC–89–04 and should be submitted by May 17, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9919 Filed 4–25–89; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–26738; File No. SR–PSE–88–26]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Adoption of a Rule Concerning the Authority of the PSE's Examination's Department

On November 23, 1988, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Commission, pursuant to Section 19(b) of the Securities and Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder,[1] a proposed rule change that would clarify the PSE's authority to examine the financial responsibility and/or operational conditions of any member or member organization.[2] The proposal gives the PSE specific authority to require compliance by its members with Exchange requests for information in connection with those examinations.

[1] 15 U.S.C. 78s(b) and 17 CFR 240.19b–4 (1988).

[2] The proposed rule change was noticed in Securities and Exchange Act Release No. 26379, December 20, 1988, 53 FR 52549. No comments were received on the proposed rule change.

The proposed rule change would amend PSE Rule VII, Section 7, by adding paragraph (C). Proposed paragraph (C) states that the PSE shall have the authority to examine the financial responsibility and/or operational conditions of any member or member organization. In conducting such examinations, the proposed rule provides that the PSE may require a member or member organization to furnish requested information. In addition, under the proposed rule if the PSE deems it necessary, members shall make available their books and records as well as provide sworn or unsworn testimony. The proposal also states that all such investigations shall be conducted in a manner consistent with the rules and regulations governing the duty of the Exchange.

The Commission has closely examined the provisions of the proposed rule change and has determined that it is consistent with the requirements of the Act and, accordingly, that it should be approved. In particular, the Commission believes that the proposal is consistent with the requirements under section 6(b)(1) of the Act which provides that an exchange must be so organized and have the capacity to enforce compliance by its members, and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange, and with section 19(g)(1) of the Act which requires that every exchange shall, absent reasonable justification or excuse, enforce compliance with such provisions by its members and persons associated with its members.

As noted above, the proposed rule change will clarify the authority of the PSE to examine the financial responsibility and/or operational conditions of members or member organizations. In particular, it provides the Exchange with specific authority to require members, where necessary, to comply with requests for books and records, and to provide testimony. The authority of the PSE, under the proposed rule, to require a member to provide requested information, make available books and records, and provide sworn or unsworn testimony, is like the examinations authority of other exchanges, such as the New York Stock Exchange ("NYSE") and the Chicago Board Options Exchange ("CBOE"). For example, NYSE Rule 476 provides that if a member is found to have failed to comply with a request from the NYSE or other self-regulatory organization for books and records, or to furnish information, or to provide testimony, the member will be subject to disciplinary sanctions. CBOE Rule 15.3 provides that no member shall refuse to make available to the CBOE such books, records or other information as may be called for under the rules or as may be requested in connection with an investigation by the CBOE. Similarly, CBOE Rule 17.2(b) provides that no member or person associated with a member shall refuse to furnish testimony, documentary materials or other information requested by the CBOE during the course of an investigation. The Commission believes that the proposed rule furthers the objectives of sections 6(b)(1) and 19(g)(1) of the Act in that it will strengthen the PSE's ability to execute its responsibilities to ensure compliance by its members and their associated persons with the Act, the regulations thereunder, and PSE rules.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-9913 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16929; 811-3579]

Oxford Cash Management Fund; Application for Deregistration

April 19, 1989.

AGENCY: Securities and Exchange Commission ("SEC")

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Oxford Cash Management Fund ("Applicant").

Relevant 1940 Act Section: Section 6(f).

Summary of Applications: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

Filing Dates: The application on Form N-8F was filed on February 13, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on May 12, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESS: Secretary, SEC, 450 5th Street, NW., Washington, DC. 20549. Applicant, 200 Park Avenue, Suite 4515, New York, New York, 10017.

FOR FURTHER INFORMATION CONTACT: Patricia L. Copeland, Legal Technician (202) 272-3009, or Stephanie M. Monaco, Branch Chief (202) 272-3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3281 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a Massachusetts business trust and in good standing with the Commonwealth of Massachusetts. Appicant registered as an investment company under the 1940 Act and filed a registration statement under the Securities Act of 1933 on October 7, 1982. Applicant's registration statement became effective on February 14, 1983, and the initial public offering commended on that date.

2. On December 13, 1988, Applicant's Board of Directors adopted a plan of liquidation. All shareholders of the Applicant redeemed their entire investments at net asset value prior to the adoption of a plan of dissolution. Disposition of the assets of Applicants was made upon maturity of short-term investments in connection with the redemption by shareholders prior to liqudation.

3. Applicant's Sub-Adviser and Administrator, Aquila Management Corporation, will pay all expenses incurred in connection with the liquidation.

4. Applicant states that it currently has no shareholders, has retained no assets, and does not propose to engage in any business activities, other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-9911 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16930; 812-7210]

The Rodney Square International Securities Fund, Inc., et al.; Application

April 20, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: The Rodney Square International Securities Fund, Inc. ("Fund"), Wilmington Trust Company ("TrustCo"), and Edinburgh Fund Managers, plc ("Edinburgh") (collectively, "Applicants").

Relevant 1940 Act Sections: Exemption requested under section 6(c) from the provisions of section 15(a).

Summary of Application: Applicants seek an order to permit Edinburgh to receive retroactively its advisory fee for services rendered to the Fund under an interim advisory agreement from January 11, 1989, the date the Fund's Board of Directors approved the agreement in person, until March 1, 1989, the date the Fund shareholders ratified the agreement.

Filing Dates: This application was filed on December 30, 1988, and amended on March 10, 1989, and April 11, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on May 15, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. The Fund and TrustCo, Rodney Square North, Wilmington, Delaware 19890. Edinburgh, 4 Melville Crescent, Edinburgh, Scotland, EH3 7JB.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney, at (202) 272-3026 or Stephanie M. Monaco, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier which can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. The Fund, registered under the 1940 Act as an open-end, diversified management investment company, currently consists of one series, the Rodney Square International Equity Fund ("Equity Series"). TrustCo is the Fund's investment adviser and is primarily responsible for investing the Fund's assets. Edinburgh, a registered investment adviser, was organized in 1969 and provides investment management services to a variety of individual and institutional clients.

2. On October 9, 1987, Applicants entered into a consulting agreement ("Former Agreement") whereby Edinburgh would recommend to TrustCo the purchase and sale of securities for the Equity Series, and would place orders for the execution of portfolio transactions. Consistent with section 15(a)(4) of the 1940 Act, the Former Agreement provided for its automatic termination upon its "assignment," as defined in the 1940 Act.

3. On December 8, 1989, Edinburgh announced an agreement with British Investment Trust PLC ("BIT") under which BIT would acquire no less than 50.1 percent but no more than a 55 percent equity interest in Edinburgh. In addition, the boards of directors of Edinburgh and BIT announced an agreement to terms for a cash offer by BIT for all of the common shares of Edinburgh. BIT agreed to grant to Edinburgh its contracts relating to management of approximately 600 million pounds in assets. On December 30, 1988, BIT acquired a controlling interest in Edinburgh, the Former Agreement automatically terminated, and Applicants filed this application.

4. At a telephonic meeting held on December 19, 1988, the Fund's Board of Directors unanimously approved an Interim Consulting Agreement ("Interim Agreement") between and among the Fund, TrustCo, and Edinburgh. On January 11, 1989, the Fund's Board of Directors unanimously approved the Interim Agreement in person. On March 1, 1989, sixty days after the Former Agreement terminated, shareholders of the Equity Series ratified the Interim Agreement and approved a new consulting agreement with Edinburgh.

5. The terms of the Interim Agreement were identical to those of the Former Agreement except that, under the Interim Agreement, Edinburgh agreed to bear all costs and fees associated with the preparation and filing of the exemptive application up to the amount of fees it was to receive under the Interim Agreement. Now, Edinburgh has agreed to bear, without limitation, all costs and expenses of the application and any incremental costs incurred by the Fund in securing shareholder approval of the Interim Agreement.

6. All fees earned by Edinburgh under the Interim Agreement have been placed into escrow to be released to Edinburgh only upon ratification of the Interim Agreement by Fund shareholders and issuance of an order by the SEC on the application. Thus, if an order is not granted, all funds in escrow will revert immediately to the Fund and Edinburgh will relinquish all claims to those fees.

Applicants' Legal Conclusions

The requested order is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act for the following reasons.

1. Although Applicants cannot rely on the limited exemption provided by Rule 15a-4 under the 1940 Act, Applicants claim the concerns of section 15(a) and Rule 15a-4 of preventing trafficking in investment advisory contracts are not present here because Edinburgh's income from its services to the Fund accounted for less than five percent of its management fees prior to its acquisition by BIT, and even less thereafter.

2. Applicants submit that the Interim Agreement is identical in all material respects to the Former Agreement, except for the modifications concerning payment of fees into escrow and Edinburgh's obligations to pay expenses associated with this application. During the period of the Interim Agreement, the Fund received the same investment advisory services, provided in the same manner by the same personnel, as it received prior to the sale of Edinburgh. The change of control of Edinburgh did not result in any change in the officers or employees of Edinburgh, except insofar as its capital and advisory staff may be augmented under the new arrangements. Therefore, according to the Applicants, any consequence to the Fund from the change of control of

Edinburgh will be beneficial, since additional personnel and financial resources are likely to be devoted to, or available for the benefit of, the Fund.

3. Applicants state that the Fund's Board of Directors unanimously approved the Interim Agreement in person. Also, the Fund's Board of Directors unanimously determined that retention of Edinburgh as an interim investment adviser, together with the personnel to be retained by Edinburgh, is in the best interest of the Equity Series and its shareholders.

4. Applicants argue that it was not possible for the Equity Series to obtain shareholder approval of a new consulting agreement prior to the sale of Edinburgh. The timing of the sale transaction was governed largely by considerations pertinent to BIT. Edinburgh's negotiations with BIT occurred over a very brief time period and required a high degree of confidentiality. In view of British secrecy laws, the parties to the transaction did not consider it appropriate to give the Fund or Trust Company notice of the negotiations at an early stage.

5. Applicants believe that, due to the escrow arrangement, the Fund shareholders will enjoy the full benefit of the protections afforded by section 15(a) and are not likely to suffer any detriment under the Interim Agreement. However, Applicants state that denial of the requested order would inequitably deprive Edinburgh of its just earnings for a period when it served the Fund with its same high degree of diligence.

Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. The Interim Agreement contains the same terms and conditions as the Former Agreement and the new agreement, except for the escrow arrangement and Edinburgh's agreement to bear certain expenses, as described herein.

2. Under the Interim Agreement, all fees payable to Edinburgh during the interim period have been held in escrow and will be paid to Edinburgh only upon the issuance of an order of the SEC granting an exemption from Section 15(a). If that condition is not met, the monies in the escrow account will revert to the Equity Series.

3. Edinburgh has agreed to bear without limitation all costs and expenses of the application and any incremental costs incurred by the Fund in securing shareholder approval of the Interim Agreement.

4. Applicants scheduled and have now held a meeting of the shareholders of the Equity Series on March 1, 1989, or sixty days after the termination of the Former Agreement, at which the shareholders approved the Interim Agreement as well as a new consulting agreement with Edinburgh.

5. The fund will not compensate Edinburgh for its services from December 30, 1988, the date the Former Consulting Agreement was assigned, to January 11, 1989.

For the Commission, by the Division of Investment Management, under delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 89-9989 Filed 4-25-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Virginia and Maryland

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier 1 environmental impact statement will be prepared for a proposed highway project bypassing Washington, DC in Stafford, Fauquier, Prince William, Fairfax, Loudoun, Caroline and King George Counties, Virginia and Charles, Prince Georges, Anne Arundel, Montgomery, Howard and Frederick Counties, Maryland.

FOR FURTHER INFORMATION CONTACT: In Maryland:

Mr. Herman Rodrigo, Planning, Research, Environmental and Safety Engineer, Federal Highway Administration, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211, Telephone: (301) 962-4267

or

Mr. Louis H. Ege, Jr., Chief, Project Development Division, State Highway Administration, Room 310, 707 North Calvert Street, Baltimore, Maryland 21202, Telephone: (301) 333-1130

In Virginia:

Mr. George Kirk, District Engineer, Federal Highway Administration, 400 N. Eighth Street, Richmond, Virginia 23240, Telephone: (804) 771-2380

or

Mr. Richard C. Lockwood Transportation Planning Engineer, Virginia Department of Transportation, 1401 E. Broad St., Annex 107, Richmond, Virginia 23219, Telephone: (804) 786-2964

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration (SHA) and the Virginia Department of Transportation (VDOT) will prepare a first tier Environmental Impact Statement (EIS) to evaluate alternative corridors in which a limited access, high speed bypass of the Washington, DC, metropolitan area is proposed. Potential corridors will be studied for an eastern bypass, a western bypass, and combinations of both. Length of the proposed corridors will vary between 60-120 miles.

Alternatives under consideration for the Washington Bypass project include (1) do-nothing (including transportation system management (TSM) improvements to existing highways in the study area and mass transit options) (2) western corridors beginning at I-95 in Stafford County or Prince William County Virginia and continuing north across the Potomac River north of Washington, DC into Maryland, ending at I-70, either south of Frederick or near Mt. Airy, (3) eastern corridors beginning at I-95 in Caroline County or Prince William County Virginia, crossing the Potomac River south of Washington DC into Maryland and continuing generally along existing U.S. 301 to U.S. 50 in Anne Arundel County, then along MD 3/I-97 Corridor to I-695, the Baltimore Beltway. At U.S. 50 one eastern corridor alternative would include a spur along U.S. 50 to the Bay Bridge.

Because of the rapid rate of development in the metropolitan area, the project location should be established in a timely manner. The development of the traditional environmental impact study (as known in the highway community) for a facility of this scale, would be a lengthy process and would result in a voluminous and unwieldy environmental impact statement. Consequently, the FHWA after consultation with the Council on Environmental Quality, is using a tiered EIS concept to focus on issues which are ripe for decision at this time. The first tier document will examine alternative corridors on a broad scale. The first tier EIS will consider the purpose, need and transportation demand for the project and will provide the basis for FHWA to grant corridor location approval for either or both corridors. However, the approved corridor could vary from a narrow band in some specific areas to a wider, more flexible band in other areas. Upon conclusion of this document, the

alternatives analyses would be completed and would provide a basis for acquiring or otherwise reserving right-of-way. This approach will benefit the public by avoiding project delays as well as benefit the affected environment and the local communities by minimizing impacts. The first tier EIS will also establish the process for examining the subsequent site-specific impacts and proposed mitigation in more detail. Second tier documents would be prepared for individual project sections. Depending on the magnitude of impacts, the second tier document could be either a second EIS or an environmental assessment.

The basis for establishing the cooridors will be existing information regarding land use, traffic, social and environmental factors and engineering features as well as the location of major public facilities. Typical data being collected to assess the impacts of the proposed corridors includes but is not limited to the following: socia-economic, land use, cultural resources, parkland, wetlands, water quality, traffic paterns, farmland, business and residential relocations, endangered species and hazardous waste sites.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state and local agencies, and to private organizations and citizens who express interest in the proposal. The tiered EIS concept has been discussed with many Federal agencies, and a scoping meeting was held with the concerned Federal agencies on February 27, 1989. Public meetings began in September 1988 and will continue throughout the study process. Public notices of the time and place of these meetings and required public hearings will be provided. The draft EIS will be available for public and agency review and comment prior to the public hearings. Public involvement and inter-agency coordination will be maintained throughout the development of the EIS.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be directed to FHWA or the State at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 19, 1989.

A. Porter Barrows,

Division, Administrator, Baltimore, Maryland.

[FR Doc. 89-9965 Filed 4-25-89; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: April 20, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0962.

Form Number: None.

Type of Review: Extension.

Title: Safeguard Procedures and Safeguard Activities Reports.

Description: Internal Revenue Code section 6103(p) requires that IRS provide periodic reports to Congress describing safeguard procedures, utilized by agencies which receive information from IRS, to protect the confidentiality of the information. This section also requires that these agencies furnish reports to IRS describing their safeguards.

Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions.

Estimated Number of Respondents: 5,100.

Estimated Burdens Hours Per Response: 5 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 25,5000 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports, Management Officer.

[FR Doc. 89-9938 Filed 4-25-89; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: April 20, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1980, Pub. l. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557-0142.

Form Number: None.

Type of Review: Extension.

Title: Recordkeeping and Confirmation Requirements for Security Transactions.

Description: Requirement provides record of information relevant to purchase or sale of security by national bank or national bank trust department for a customer.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Recordkeepers: 4,714.

Estimated Burden Hours Per Recordkeeper: 5 hours.

Frequency of Response: Recordkeeping.

Estimated Total Reporting Burden: 165,001 hours.

Clearance Officer: John Ference (202) 447-1177, Comptroller of the Currrency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.

OMB Reviewer: Gary Waxman (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 89-9939 Filed 4-25-89; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

[Department Circular—Public Debt Series—No. 11-89]

Treasury Notes of April 30, 1991, Series Y-1991

Washington, April 20, 1989.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,250,000,000 of United States securities, designated Treasury Notes of April 30, 1991, Series Y-1991 (CUSIP No. 912827 XL 1), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1 The Notes will be dated May 1, 1989, and will accrue interest from that date, payable on a semiannual basis on October 31, 1989, and each subsequent 6 months on April 30 and October 31 through the date that the principal becomes payable. They will mature April 30, 1991, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC. 20239-1500, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, April 26, 1989. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 25, 1989, and received no later than Monday, May 1, 1989.

3.2. The par value of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield if over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or

reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Monday, May 1, 1989. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, April 27, 1989. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, May 1, 1989. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 89–10079 Filed 4–24–89; 8:25 am]

BILLING CODE 4810–40–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of New Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of matching program—Defense Manpower Data Center records and the Beneficiary Identification and Records Locator Subsystem of the Department of Veterans Affairs.

SUMMARY: The Defense Manpower Data Center (DMDC) will send the Department of Veterans Affairs (VA) a magnetic media file containing identifying information pertaining to U.S. armed forces personnel who were on active duty October 19, 1984. The VA will compare the DMDC file with the Beneficiary Identification and Records Location Subsystem (BIRLS). Results of the computer match will be returned to the DMDC where the data will be used to create two additional magnetic files which, in turn, will be compared with and utilized to update VA educational benefit payment systems.

The goal of this and succeeding computer matches will be to determine which veterans, on active duty October 19, 1984, may have remaining 38 U.S.C. Ch. 34 education benefit entitlement and may be able to convert remaining eligibility from this soon-to-expire program to the 38 U.S.C. Ch. 30, Montgomery G.I. Bill. These matches will also assist in determining which veterans are likely not to be eligible for the aforementioned conversion by virtue of their dates of active duty service. Final eligibility determinations, however, will be made during the adjudication of individual benefit applications.

DATES: Computer matches may commence February 1989. Additional matches of this kind are not anticipated.

ADDRESS: Interested individuals may comment on the proposed match in writing to the Director, Administrative Services Staff (203C3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Behall, Chief, Administrative Systems Division (203C3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telehphone number (202) 233–3461/5723.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 5.f(1) of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided, in duplicate, to the Committee on Government Operations for the U.S. House of Representatives, to the U.S. Senate Committee on Governmental Affairs, and to the Office of Management and Budget.

Approved: April 14, 1989.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Report of Matching Program

The Department of Veterans' Affairs (VA) is planning a computer match using a Defense Manpower Data Center (DMDC) magnetic media file containing information on all individuals serving on active duty in the U.S. armed forces on October 19, 1984, and the VA system of records known as the Beneficiary Identification and Records Location Subsystem (BIRLS).

a. *Authority:* Title 38, United States Code, sections 210, 1661, 1411 and 1412.

b. *Program Description*—(1) *Purpose.* To identify those veterans, serving on active duty in the U.S. armed forces on October 19, 1984, who may have remaining 38 U.S.C. Ch. 34 education entitlement and may be able to convert remaining eligibility from this soon-to-expire program to the 38 U.S.C. Ch. 30, Montgomery G.I. Bill. This process will also identify those veterans who are unlikely to be eligible for the

aforementioned conversion because of their active duty service dates. The VA will eventually use this data to update education benefit payment systems.

(2) *Procedures.* (a) The DMDC will provide a magnetic media file containing the names and other identifying information of individuals who were serving on active duty October 19, 1984. The VA will compare that file with BIRLS. The results of this computer match will be returned to the DMDC where the data will be used to create two additional magnetic files. One will contain those who may be able to have their remaining 38 U.S.C. Ch. 34 eligibility converted to chapter 30 benefits of the same title. It will also include veterans who have no matching BIRLS records as well as those having conflicting or incomplete service data. The other file will consist of veterans who appear ineligible for the aforementioned conversion because of their service dates.

(b) The two above-mentioned files will eventually be used to conduct a comparison with and to update VA education benefit payment systems.

c. *Records to be Matched.* The VA will perform a computerized matching program using the magnetic file from DMDC and the following VA system of records:

Veterans and Beneficiaries Identification and Records Location Subsystem—(VA) (38VA23).

d. *Period of Match.* Computer matches may commence February 1989. Additional matches of this kind are not anticipated.

e. *Safeguards.* Access to the BIRLS file which is located at the VA Data Processing Center, Austin, Texas, is restricted to authorized VA employees and vendors. Access to the computer room where the magnetic tape is located within the data processing center is further restricted to specifically authorized employees and is protected by an alarm system, the Federal Protective Service, and other VA security personnel. Records used in the matches and data generated as a result will be safeguarded from unauthorized disclosure. Access will be limited to those persons who have a need for the information in order to conduct the matches or follow-up actions. All of the material will be stored in locked containers when not in use. The matching files to be used in this project will remain under the control of the Veterans Benefits Administration. The matching file will be used and accessed only to match files in accordance with this notice and will not be duplicated or disseminated within or outside the VA unless authorized by the Chief Benefits Director.

f. *Retention and Disposal.* The magnetic tapes provided by DMDC will be returned to DMDC. They will be disposed of in accordance with approved authority from the Archivist of the United States.

[FR Doc. 89-9955 Filed 4-25-89; 8:45 am]

BILLING CODE 8830-01-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 79
Wednesday, April 26, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, May 1, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: April 21, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-10071 Filed 4-24-89; 10:18 am]

BILLING CODE 6210-01-M

INTERNATIONAL TRADE COMMISSION

[USITC SE-89-15]

TIME AND DATE: Tuesday, May 2, 1989 at 3:00 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications
4. Petitions and Complaints.
5. Inv. No. 303-TA-19, 20 (F) and 731-TA-391-399 (F) (Antifriction Bearings (other than tapered roller bearings) and Parts Thereof from the Federal Republic of Germany, France, Italy, Japan, Romania, Singapore, Sweden, Thailand, and the United Kingdom)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

April 19, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89-10050 Filed 4-21-89; 4:49 pm]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, May 2, 1989.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: Open Special Conference.

PURPOSE: The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

MC-C-30090.
National Industrial Transportation League—Petition For Declaratory Order On Negotiated Motor Common Carrier Rates.

CONTACT PERSON FOR MORE INFORMATION: Dennis A. Watson, Office of Government and Public Affairs, Telephone: (202) 275-7242.

Noreta R. McGee,

Secretary.

[FR Doc. 89-10138 Filed 4-24-89; 12:46 pm]

BILLING CODE 7035-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of April 24, 1989.

A closed meeting will be held on Wednesday, April 26, 1989, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendar matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Grundfest, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 26, 1989, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Institution of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kevin Fogarty at (202) 272-2300.

Jonathan G. Katz,

Secretary.

April 19, 1989.

[FR Doc. 89-10136 Filed 4-24-89; 12:45 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 54, No. 79
Wednesday, April 26, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Drug Export; Cardiolite® Kit for the Preparation of Technetium Tc99m Sestamibi

Correction

In notice document 89-8759 appearing on page 14866 in the issue of Thursday, April 13, 1989, make the following correction:

In the second column, in the second complete paragraph, in the third line, "May 3, 1989" should read "April 24, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 639

Worker Adjustment and Retraining Notification

Correction

In rule document 89-9376 beginning on page 16042 in the issue of Thursday, April 20, 1989, make the following corrections:

1. On page 16045, in the second column, in the first complete paragraph, in the seventh line, "state" should read "stated".

2. On page 16049, in the 2nd column, in the 12th line, "believes" was misspelled.

3. On the same page, in the third column, in the first complete paragraph, in the sixth line, "there" should read "these".

4. On page 16050, in the second column, in the last paragraph, in the eighth line, "critically" should read "critical".

5. On page 16056, in the second column, in the last paragraph, in the ninth line, "examples" was misspelled.

6. On page 16060, in the 1st column, in the last paragraph, in the 12th line, "data" should read "date".

7. On page 16061, in the second column, in the first, second, and third lines, remove the sentence "The paragraph also states that they are to be construed narrowly."; and in the eighth line, remove "of the reason".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No.IP89-02; Notice 1]

Receipt of Petition for Determination of Inconsequential Noncompliance; Fleetwood Enterprises, Inc.

Correction

In notice document 89-8717 beginning on page 14905 in the issue of Thursday, April 13, 1989, on page 14905, in the third column, in the heading, the bracketed number was incorrect and should appear as set forth above.

BILLING CODE 1505-01-D

Federal Register

Wednesday
April 26, 1989

Part II

Environmental Protection Agency

Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988; Schedule of Implementation; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34000; FRL-3562-2]

Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988; Schedule of Implementation

AGENCY: Environmental Protection Agency (EPA or Agency).

ACTION: Notice.

SUMMARY: On October 25, 1988, the President signed into law the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Amendments of 1988 (FIFRA '88). This notice summarizes the provisions of FIFRA '88 and sets forth EPA's general plan and schedule for implementing them. EPA invites comments on its general approach for implementation.

DATES: Comments on this notice must be submitted by July 25, 1989.

ADDRESS: Comments on this notice should reference the document control number "OPP-34000" and be mailed to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Deborah J. Sisco, FIFRA '88 Task Force (H7501C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1101, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. Telephone (703) 557-7372.

SUPPLEMENTARY INFORMATION:

I. Background

A. Regulation of Pesticides Under FIFRA

Under FIFRA, pesticides must be registered (licensed by EPA before they may be sold or distributed in commerce in the United States. Pesticides include insecticides, herbicides, fungicides, rodenticides, disinfectants, plant growth regulators, and other substances intended to control pests. Approximately 35,000 to 40,000 pesticide products are currently registered in the United States. FIFRA requires that pesticides used according to labeling directions perform their intended functions without causing unreasonable adverse effects on people or the environment. In assessing the potential to cause unreasonable risks for pesticide registration decisions, EPA is required by law to take into account the economic, social, and environmental costs and benefits of pesticide uses.

FIFRA was first enacted in 1947. Thousands of pesticide products have since been registered. However, Congress has amended FIFRA several times since 1947, and the standards for pesticide registration have evolved in tandem with advances in science and public policy. In particular, test data requirements for pesticides have become increasingly more stringent in light of advances in such areas as toxicology and analytical chemistry.

Under FIFRA, the registrant or applicant for registration has the responsibility for demonstrating that a pesticide meets all the criteria for registration. The Agency bases registration decisions for new pesticides on its evaluation of test data provided primarily by applicants for registration (usually the companies that produce the pesticide products). Required studies include testing to show whether a pesticide has the potential to cause adverse effects in humans and wildlife, including endangered species. Potential human effects include acute reactions such as toxic poisoning and skin and eye irritation, as well as other effects such as cancer, birth defects, or reproductive system disorders. In addition, EPA must have data to estimate exposure to pesticides, such as data on residues in food and potential worker exposure. Data on environmental fate, or how a pesticide behaves in the environment, are also required so that EPA can determine, among other things, whether a pesticide poses a threat to ground or surface water. Testing to acquire such data must be conducted in accordance with Good Laboratory Practice Regulations and may be subject to audit by the Agency.

In addition to registering new pesticides, EPA is charged with protecting human health and the environment from any unreasonable adverse effects associated with pesticides already registered and in use. FIFRA authorizes EPA to cancel the registration of an existing pesticide if data show that it causes unreasonable adverse effects on human health or the environment. The cancellation process can take 2 years or more to complete. Under certain circumstances, EPA may take action to suspend the registration of a pesticide to prevent an imminent hazard during the cancellation review.

Until the 1988 amendments, EPA was required under FIFRA to accept pesticides suspended and cancelled due to their potential for imminent hazard for disposal at government expense. In addition, an indemnification provision required EPA to reimburse holders of such suspended and cancelled pesticides for financial losses suffered, up to the fair market value of the pesticide.

To ensure that previously registered pesticides meet current scientific standards, FIFRA requires that pesticides originally registered a number of years ago be "reregistered" under current scientific standards. This is a massive undertaking. In the interest of efficiently identifying needed data, obtaining and reviewing those data, and reaching regulatory conclusions regarding the continued registrability of pesticides, EPA initiated its Registration Standards and Data Call-In programs. Through these programs, EPA has been reexamining by current standards the health and environmental safety of pesticides.

Pesticide products are normally formulations of one or more pesticidally active chemicals (the active ingredients) combined with one or more pesticidally inert ingredients. Products are regulated primarily on the basis of their pesticidally active ingredients. There are approximately 1,300 individual active ingredients, which the Agency has combined into basic active ingredient groups that may be regulated together as active ingredient "cases" (e.g., salts and esters of the same chemical). A review of the available data on each active-ingredient case and its use culminates in the issuance of a Registration Standard for the group of individual active ingredients which constitute a case.

A Registration Standard describes the Agency's evaluation of the available data and the conditions registrants must meet in order to reregister pesticide products containing the active ingredient. These conditions typically include requirements for submission of needed additional data; compliance with requirements for product composition and labeling and packaging. Certain changes in application methods or other label directions may also be required, and some uses may be restricted for use by or under the direct supervision of certified applicators as a condition of continued use.

EPA has established priorities for conducting its Registration Standard reviews on the basis of clusters of pesticides registered for similar uses, such as grain fumigants and fungicides. High-volume and food-use pesticides have been among the highest priority clusters. Thus far, 194 Registration Standards have been completed. Because certain active ingredients of the same "chemical family" are grouped

into one Registration Standard "case", these 194 Registration Standards represent 350 individual active ingredients. An example of such a grouping is the Registration Standard for 2,4–D, which includes 35 individual active ingredients. Because of the factors considered by EPA in setting priorities for review of registered pesticides, the 194 Registration Standards issued to date represent approximately 85 to 90 percent of the total volume of pesticides used in the United States.

Following receipt of the data called in at the time the Registration Standard is issued, the Agency must complete a comprehensive review of those data and the pesticide's uses before a final decision on whether to reregister the active ingredient and products containing it can be made. This review of data submitted after issuance of the Registration Standard is called a "second round review." In many instances, this second round review shows that additional data are needed before a reregistration decision can be made. Further, once the active ingredient is found to be eligible for reregistration, data on the formulated product (including other ingredients), called product-specific data, must be reviewed before the pesticide product can be reregistered.

B. Legislative History

EPA has not been able to review and reregister existing pesticides as quickly as Congress originally envisioned. Consequently, legislation to revamp the reregistration process has been considered since 1985. In 1986, the House of Representatives and Senate passed similar bills (both of which included provisions on many more subjects than the 1988 amendments as passed), but the differences were not reconciled by the end of the legislative year. Similar bills were reintroduced in the new Congress in 1987. On May 13, 1988, the Senate Committee on Agriculture, Nutrition, and Forestry reported a bill (S. 1516, Senate Report 100–346) that contained essentially all the provisions ultimately enacted, as well as a number of others; the full Senate never voted on S. 1516. On September 16, 1988, the House Committee on Agriculture reported a bill (S. 659) that was essentially identical to the amendments later enacted; it was adopted by the full House in late September and by the Senate shortly thereafter, and signed by the President on October 25, 1988.

C. FIFRA '88

The major provisions of FIFRA '88 became effective on December 24, 1988. FIFRA '88 provides for the following:

1. The acceleration of the process of reregistration by providing deadlines and new procedures.

2. Expedited processing of applications for certain types of registration or amendments to existing registrations.

3. The establishment of a fee system to help pay for accelerated reregistration and expedited processing.

4. The promulgation of regulations for the handling of pesticides, including their storage, transportation, and disposal.

5. An indemnity program to cover certain private-sector costs resulting from suspension or cancellation of pesticides, and requiring specific Congressional appropriations for certain indemnifications.

In addition to these 5 major provisions, FIFRA '88 amends the compliance provisions and criminal penalties under FIFRA and contains a provision relative to the Scientific Advisory Panel. The remainder of this Notice discusses each provision, EPA's schedule for implementation of the major provisions, and the Agency's communication plans to promote effective implementation.

II. Accelerated Reregistration

The reregistration provisions of FIFRA '88 establish mandatory timeframes and duties, applicable to EPA and pesticide registrants, for the reregistration of pesticides. FIFRA '88 requires EPA to complete, over approximately a 9-year period, the reregistration review of each registered product containing any active ingredient first registered before November 1, 1984. Only pesticides for which EPA has determined, between November 1, 1984, and December 24, 1988, that there are no outstanding data requirements, and for which the requirements of FIFRA section 3(c)(5) have been satisfied, are excepted from this requirement. Section 3(c)(5) is the section which provides generally that EPA shall register a pesticide if it can perform its intended function without causing unreasonable adverse effects on people or the environment.

The charge to complete the reregistration review of exiting pesticides in 9 years represents a tremendous challenge to the Agency. Registrants too will be expected to accept part of the burden for the acceleration of reregistration. They will be expected to review their previously submitted data and to supply the remaining required data within prescribed time periods. Pesticide users are also encouraged to work with registrants to assist in the generation of data, where appropriate.

Reregistration of pesticides under FIFRA '88 will be carried out in five phases. These phases establish deadlines for pesticide registrants to identify and supply the test data necessary for EPA to make pesticide reregistration decisions, as well as for EPA to analyze submissions and to determine whether to reregister currently registered pesticides. The phases are described below.

A. Phase 1—Reregistration Lists

In Phase 1 of the reregistration process, the Agency is required to list the names of pesticide active ingredients subject to reregistration in four installments over a 10-month period following December 24, 1988, and to ask registrants of pesticide products containing those active ingredients whether they intend to seek reregistration. The content of these lists is not subject to judicial review. A description of the four lists and the dates by which they are required to be listed appear below.

List A—Pesticide active ingredients for which Registration Standards were issued before 12/24/88.	March 4, 1989
List B—Next 150 active ingredients subject to reregistration.	April 24, 1989
List C—Next 150 active ingredients subject to reregistration.	July 24, 1989
List D—Remainder of active ingredients subject to reregistration.	October 24, 1989

For reregistration purposes, EPA will continue to group chemically-related active ingredients into active-ingredient cases. Lists B and C will each contain 150 active-ingredient cases. In determining which active-ingredient cases to include on Lists B, C, and D, FIFRA '88 requires that, among other criteria, priority be given to those that meet the following criteria:

—Used on or in food or feed and may result in postharvest residues.

—Result in residues of potential toxicological concern in portable ground water, edible fish, or shellfish.

—Determined to have significant outstanding data requirements prior to December 24, 1988.

—Used on sites where worker exposure is most likely to occur, including greenhouses and nurseries.

The Agency will implement Phase 1 of the reregistration process as follows:

1. *List A.* List A, which was published on February 22, 1989 (54 FR 7740),

contains the names of the pesticide active ingredients for which Registration Standards were issued prior to December 24, 1988. This list includes the Registration Standard case name and the individual pesticide active ingredients covered in each specific Registration Standard. (See Unit I. A for explanation of Registration Standard cases.) Reregistration Phases 2 through 4 do not apply directly to List A. Reregistration of List A active ingredients will be discussed in paragraph E.1. of this unit.

2. *Lists B, C, and D.* Lists B and C will each consist of 150 active-ingredient cases of currently registered pesticides. In developing these lists, the Agency must first determine which chemical substances should be grouped as a single active-ingredient case. The criteria for setting priorities described above (as well as other pertinent factors) will then be used to place active-ingredient cases on List B, C, or D. Because the due dates for several subsequent actions are based on the date each list is published, the Agency intends to issue Lists B, C, and D, as nearly as possible on the exact dates indicated in this unit. Each of the lists will be published in the **Federal Register** with a brief discussion of the following: A description of the various lists; criteria for placement of active ingredients on Lists B, C, and D; time frames for registrant responses; and Agency contacts.

Each list will be sent by certified mail to the registrants holding registrations for products containing the pesticide active ingredients included on the specific lists. EPA will also send instructions to registrants of List B, C, and D pesticides on how to respond in Phase 2.

B. Phase 2—Registrants' Intent to Seek Reregistration

1. *Lists B, C, and D.* In Phase 2 of the reregistration process, the registrants of each pesticide active ingredient identified on Lists B, C, and D are required to respond to the Agency concerning their intent to seek reregistration. If a registrant intends to seek reregistration, the submission must include:

(a) Identification of data required by regulations to support the registration of the pesticide active ingredient.

(b) Identification of data that were previously submitted to support the registration but are inadequate to meet such regulations.

(c) Identification of required data that have not previously been submitted to the Agency.

(d) A commitment to replace or submit any required data or an offer to share in the cost of generating such data within specified periods of time.

For the purpose of a registrant's Phase 2 response, data are to be considered inadequate if the registrant cannot certify the availability of raw data from the study, or if the data were first submitted to EPA before January 1, 1970 (unless the registrant demonstrates to the Agency that such data should be considered).

Registrants of listed active ingredients are required to submit their Phase 2 responses to the Agency within 3 months after publication of the list in the **Federal Register.** If publication occurs on the precise dates indicated in Unit II.A. of this Notice, the Phase 2 responses would be due as follows:

List B Response—July 24, 1989
List C Response—October 24, 1989
List D Response—January 24, 1990

The Agency is given limited discretion to extend these deadlines under extraordinary circumstances beyond the control of the registrant.

If a registrant commits to produce data in its Phase 2 response, the data must be submitted within a reasonable period of time as determined by the Agency but not more than 48 months after the date of the registrant's commitment. Time periods for submission of data will be provided to registrants when the Agency mails each list, as directed by FIFRA '88. EPA is required to suspend the registration of a pesticide if progress is insufficient to ensure the submission of the required data in a timely manner or if the data are not submitted by the date specified. Again, EPA is given limited discretion to extend deadlines under extraordinary circumstances beyond the control of the registrant. The Report of the Senate Committee on Agriculture cites as examples of such circumstances the unintentional loss of laboratory results, the unintentional destruction of laboratory equipment or facilities, major animal loss, or similarly serious unanticipated occurrences.

2. *Cancellation and removal.* If a registrant submits a notice of intention not to seek reregistration of a pesticide, a notice to that effect will be published in the **Federal Register,** and the registrant's response will be treated as a request for cancellation. If a registrant fails to submit the required Phase 2 response within the prescribed time, the Agency is required to issue a notice of intent to cancel the registration. After a 60-day comment period, the Agency may cancel the registration or take other appropriate action without a hearing.

If no registrant satisfies the Phase 2 response requirements for a particular active ingredient, EPA must publish in the **Federal Register** a notice of intent to remove the active ingredient from the list and a notice of intent to cancel the registrations of all products containing the active ingredient. After a 60-day comment period, the Agency may cancel those registrations unless, during that period, another person acquires the rights of a registrant and files a notice of intent to reregister the pesticide and, within 120 days of the **Federal Register** notice, completes the Phase 2 requirements.

C. Phase 3—Registrants' Submission of Information

1. *Lists B, C, and D.* In Phase 3 of the reregistration process, each registrant who is seeking reregistration of a pesticide active ingredient on List B, C, or D shall submit the following information on the specific active ingredient to the Agency:

(a) A summary of each previously submitted study considered by the registrant to be adequate to support registration.

(b) A summary of each previously submitted study that may not comply with the requirements of section 3 of FIFRA and the regulations issued thereunder, but which the registrant asserts should be deemed adequate to support continued registration.

(c) Reformatted data from each summarized study submitted to the Agency prior to January 1, 1982, which concerns chronic dosing, oncogenicity, reproductive effects, mutagenicity, neurotoxicity, teratogenicity, or residue chemistry (including metabolism studies) or, where these studies are not required, reformatted of acute and subchronic dosing data.

(d) Identification of data indicating adverse effects.

(e) Identificiaton of additional data that the registrant believes will support registration.

(f) Certification of access to raw data.

(g) A commitment to submit data to fill outstanding data requirements or an offer to share in the cost of developing such data.

Registrants are required to submit the information outlined above within 12 months after publication of the list on which the active ingredient is identified. If publication occurs on the precise dates indicated in Unit II. A. of this Notice, the Phase 3 responses would be due as follows:

List B Response—April 24, 1990
List C Response—July 24, 1990
List D Response—October 24, 1990

To assist registrants in complying with the requirements of Phase 3, EPA will develop guidance and send it to those who have declared their intent to seek reregistration. Guidelines are discussed in detail in paragraph G of this unit.

2. *Cancellations.* If a registrant of a pesticide fails to submit the information required in Phase 3 within the prescribed time period, the Agency is required to cancel the registration without hearing. If the registrant submits the required information but it does not conform to guidelines established by EPA, the Agency must determine whether the registrant made a good faith attempt to conform its submission to the guidelines, and if so, a reasonable time will be allowed to make necessary changes or corrections. If the Agency finds that a good faith attempt was not made, the Agency may issue a notice of intent to cancel and, unless the registrant requests a hearing within 30 days, cancel the registration. The only matter for resolution at such a hearing shall be whether the registrant made a good faith attempt to conform its submission to the guidelines.

D. Phase 4—EPA Review of Submissions and Identification of Data Gaps

In Phase 4, EPA is required to review the data and information submitted by registrants during Phases 2 and 3, and to identify data gaps independently. To assist in this review, the Agency may require registrants to submit completed copies of studies which have been summarized, but in general, the Phase 4 review will identify data requirements for which already submitted studies are adequate and those which warrant more detailed review. It is possible that a detailed review of the data in Phase 5 will reveal that a study, which appeared adequate based on the Phase 3 submission, needs to be replaced or supplemented.

The Agency is then required to publish in the **Federal Register** the outstanding data requirements for each active ingredient and Lists B, C, and D. Concurrently, a notice under section 3(c)(2)(B) of FIFRA will be issued to registrants requiring the submission of the identified data.

The Agency is required to complete its Phase 4 review of registrant submissions and publish the notice of the data gaps within the time periods specified in FIFRA '88 (assuming the planned list-publication dates, by the dates shown below.

List B Notice—October 24, 1990 (18 months after publication of List)
List C Notice—July 24, 1991 (24 months after publication of List)
List D Notice—July 24, 1992 (33 months after publication of List)

The Phase 4 review process will resemble the process used to review data under the former Registration Standards program. EPA expects, however, that the review will proceed more rapidly and efficiently since the Agency will be reviewing summaries and reformatted data to determine which are good candidates for more detailed review.

E. Phase 5—Final Review and Reregistration

Phase 5 culminates the reregistration process under FIFRA '88. It requires the Agency to conduct a thorough, comprehensive examination of all data submitted in support of reregistration. Based on this review, EPA will either reregister a pesticide or take other appropriate regulatory action.

Once all the required data on an active ingredient have been received, the Agency has 1 year to complete its review and determine whether the pesticides containing the active ingredient are eligible for reregistration. If they are eligible, the Agency must obtain any needed product-specific data prior to reregistering individual pesticide products. Registrants are required to submit these data no later than 8 months after a determination of eligibility for reregistration, unless the Agency finds that a longer period of time is required to generate the data.

Once all the product-specific data have been received, the Agency is required to review those data within 90 days and to reregister the product or take other appropriate action within 6 months after receipt of the required product-specific data.

1. *Phase 5 review of List A chemicals.* The Phase 5 review of List A chemicals highlights some issues which will also arise with the other lists. Of the 194 Registration Standards issued to date, 13 second round reviews of the active-ingredient cases have been issued and three more are in draft. While theoretically the data base for a pesticide active ingredient undergoing a second round review should be complete, or at least nearly so, experience shows that most of these second round reviews identify a number of new data gaps, and a reregistration decision must be postponed until these data are submitted and reviewed. This situation results from several factors, including tier testing (in which the results of one study indicate the need for additional testing); revised guidelines; new data requirements; and inadequate studies submitted by registrants.

For the active ingredients on List A (active ingredients for which Registration Standards have been issued), the Agency will identify chemicals whose data bases are complete enough to conduct a thorough evaluation and make a reregistration decision and those chemicals for which more data are needed before reregistration decision can be made. For active ingredients with essentially complete data bases, the Agency will schedule and conduct second round reviews and issue data call-in notices for product-specific data. For chemicals with less complete data bases, the Agency will develop an efficient process for promptly requiring the additional data needed to evaluate the active ingredients, conducting second round reviews when data are received, and then calling in product-specific data. A system and schedule are being developed for completing reregistration of the List A chemicals as soon as possible within the 9 years provided.

2. *Definition of reregistration.* Registration of a pesticide under FIFRA requires that EPA find that its use will not result in unreasonable adverse effects on people or the environment. In light of the continuing evolution of scientific knowledge, and therefore changing data needs for the evaluation of a pesticide's risks, it will be necessary for the Agency to define a specific set of conditions that, when met, will allow the Agency to make the reregistration decision within the deadlines established in FIFRA '88. Although additional studies not now anticipated may be needed in the future, a reregistration decision can then be made once those conditions have been met. A definition of reregistration might include, for example, completion and satisfactory review of specific categories of studies to provide scientifically valid data which are essential for the Agency to determine that use of a pesticide will not cause unreasonable adverse effects and can be reregistered. However, even after reregistration, the Agency's obligation to consider new data about pesticide's effects continues, and data received after reregistration may serve as the basis for further regulatory action by the Agency.

3. *Form of decision.* The Agency must also decide how to present its decision on reregistration and the procedures and process to be followed in issuing those decisions. Currently, EPA's reregistration review of a pesticide active ingredient is prevented in the

form of the Registration Standard document. The Registration Standard summarizes EPA's evaluation of data available for each scientific discipline and describes the conditions that must be met before the Agency will consider the active ingredient eligible for reregistration. However, reregistration is not granted through issuance of the Registration Standard for either the active ingredient or individual products.

F. Addressing Impacts on Pesticide Minor Uses

EPA recognizes the potential impact of FIFRA '88 on minor use pesticides. Frequently, there is insufficient economic incentive for pesticide product manufacturers to justify the timely development of data needed to support pesticide registrations for many small scale, infrequently needed, or specialty pesticide uses. As discussed in its Policy Statement on Minor Uses of Pesticides (51 FR 11341, April 2, 1986), EPA recognizes that the continued availability of pesticides registered for minor uses is important for the production of a diverse food supply and has taken an active role in addressing the problem by giving minor uses special attention in its regulatory activities. FIFRA directs EPA to make data requirements for minor uses commensurate with the anticipated extent and pattern of use and degree of exposure of man and the environment to the pesticide. FIRFA '88 also contains provisions for reregistration fee waivers for active ingredients used solely for minor uses, which indicate Congressional intent that minor uses should be accommodated.

Even pior to the enactment of FIFRA '88, reregistration has had an impact on the availability of pesticides for minor uses. Because EPA has given priority to the review of high-volume and food use pesticides, most of the 194 active-ingredient cases for which the Agency has already issued Registration Standards are food use pesticides which had both major and minor uses. Minor uses often lack sufficient market potential to offset the cost of generating data to meet statutory requirements for reregistration. As a result of the Agency's issuing these Registration Standards, for a number of minor uses associated with the old pesticides, registrations have been voluntarily withdrawn by registrants or suspended and cancelled by the Agency for failure to meet data call-in requirements. Many people believe the loss of existing pesticides for minor uses as a result of decisions by registrants not to support reregistration will be accelerated under FIFRA '88.

Low-volume pesticides and low-volume uses of a major pesticides are at risk when the data requirements make the generation of new data economically unacceptable to the registrant. When there is no alternative pest control method for a low-volume use, loss of the registered pesticide is likely to impact users adversely.

In the past, the Agency has pursued policies designed to allow flexibility for minor uses to the extent possible within the context of FIFRA and the Federal Food, Drug and Cosmetic Act (FFDCA). One approach to this problem has been to encourage third party organizations, such as user groups and IR–4 (Interregional Research Project Number 4, a nationwide cooperative effort including EPA, the U.S. Department of Agriculture, state agricultural experiment stations, and industry), to gather data needed to support continued registration of minor uses which are not supported by a registrant.

The Agency is aware that FIFRA '88 may place additional burdens on minor uses, and will consider what can be done to alleviate that burden. The Agency is working with State lead agencies to help ensure that user groups and others are aware of the potential impact of reregistration and of actions that can be taken by users to aid registrants in maintaining registrations. In addition, the Agency is developing guidance for registrants and others on how to determine data requirements for minor uses and how to make the most effective use of the Agency's existing policies.

G. Guidance for Reregistration Under FIFRA '88

FIFRA '88 shifts a substantial portion of the burden for the early review of previously submitted data from EPA to the registrants. In order for the Agency to review the data bases of more chemicals in a shorter time, registrants of List B, C, and D active ingredients are required to make the initial evaluation of their data and to submit the results of their review in the form prescribed in Phase 3. To assist registrants in complying with the Phase 3 requirements, FIFRA '88 requires EPA to issue the following four sets of guidelines. Although the law requires that the four mandated guidelines be issued by December 24, 1989, the Agency wishes to make them available as soon as possible so that registrants will be able to begin preparing their Phase 3 responses.

1. *Guidelines for summarizing studies.* In Phase 3, all previously submitted studies on which a registrant wishes to rely must be summarized in accordance with guidelines to be issued by EPA. This includes both data which the registrant believes to comply with regulatory requirements and data which, although they may not fully comply with requirements, the registrant believes should be relied upon.

2. *Reformatting guidelines.* All studies submitted to the Agency prior to January 1, 1982, which will be relied upon for reregistration and which concern chronic dosing, oncogenicity, reproductive effects, mutagenicity, neurotoxicity, teratogenicity, or residue chemistry of the active ingredient must be reformatted in accordance with guidelines to be issued by EPA. For chemicals whose uses do not require the data listed above, the registrants must reformat acute and subchronic dosing data submitted prior to January 1, 1982, on which they intend to rely.

3. *Guidelines for identifying adverse data.* Guidance must be given for registrants to identify adverse data (required to be reported by FIFRA section 6(a)(2)). An Interpretive Rule specifying what information must be submitted under section 6(a)(2) is expected to be published this year. A brief guidance document will be prepared explaining how to identify adverse data, but the interpretive rule will determine what data must be identified.

4. *Identifying data that may not meet guidelines.* Even though a study may not comply in all respects with EPA's Pesticide Assessment Guidelines, its shortcomings may be sufficiently minor that the data are still of some use to support reregistration. In such a case, the Agency might not reject the data outright. The registrants must be given guidance as to when EPA might accept such data. The Agency is preparing checklists to make it easier for registrants to screen their data for acceptability.

H. 40 CFR Part 158 Data Requirements

In addition to the guidelines specifically required by FIFRA '88 to assist registrants in preparing their Phase 3 responses, the Agency plans to provide guidance for interpreting the data requirements. At the time the lists are sent to registrants, EPA will provide information on how to identify the data required through the regulations pertaining to data requirements (40 CFR Part 158) to support specific use categories, and clarify current data requirements in terms of the conditions under which certain studies are required. For example, while Part 158 indicates that certain studies are "conditionally required" on a case-by-

case basis, experience allows the Agency to identify more specifically when the study is necessary. In addition, the Agency will identify for registrants, data routinely required to support registration of a pesticide for specific uses.

The Agency plans to propose an amendment to 40 CFR Part 158 this year, which will include an update of Part 158 to include routinely required data which to date have not been identified specifically in the data tables of Part 158. EPA also expects to propose other amendments to add new data requirements. For example, new storage, transportation, and disposal data requirements provided for in FIFRA '88 will be added. In addition, many of the Pesticide Assessment Guidelines may be updated and new ones developed. For example, the Agency intends to add neurotoxicity and immunotoxicity testing guidelines. (The Senate Committee on Agriculture, on reporting this bill, requested that EPA intensify the degree of testing for neurotoxic and behavioral effects, including testing related to chronic exposure, prenatal, and neonatal effects.) Also, the Agency expects to have in place amended Good Laboratory Practice regulations (GLPs; current regulations are at 40 CFR Part 160) which expand the scope of the testing required to be performed under GLPs.

Revisions to Part 158 to add new requirements will take place over the next few years. While registrants are not required to identify in their Phase 2 response data gaps that result from these anticipated new requirements, such future requirements represent an additional expense which must be taken into consideration when they decide whether they wish to support the reregistration of the pesiticide. Therefore, the Agency intends to provide registrants with a description of the changes in data requirements which it anticipates.

I. Other Guidance

In addition, FIFRA '88 may require changes to some existing regulations and policies. For example, the Agency's prior policy which made voluntary cancellations effective upon receipt (published in the **Federal Register** on March 27, 1987, 52 FR 9937) has been superceded by FIFRA '88. Under FIFRA '88, the Agency must publish in the **Federal Register** a notice of receipt of a request for cancellation or for an amendment to delete one or more uses before approving it. The Agency is evaluating its policies and procedures and will amend them as appropriate to implement the new requirements.

There may also be other guidance which will be appropriate to issue as implementation continues. In some cases regulations must be amended. In others, a **Federal Register** Notice of Policy Statement, new PR (Pesticide Registration) Notice, or Standard Operating Procedure may be appropriate. The Agency is currently evaluating its existing guidance and policies to establish priorities for revising and creating new guidance.

J. Enhancement of Automated Data Processing Systems

Effective management of the process of accelerated reregistration requires that the progress of each active ingredient toward reregistration be monitored from the initial mailing of the chemical lists to registrants to the final reregistration of end use products. Significant modifications to EPA's existing data processing systems, several new systems, and information integration will be required to support this process.

To facilitate the submission and processing of study summaries, reformatted old studies, and new data, EPA will assess the utility of the electronic submission of data to improve efficiency. Systems may also be developed to support the assessment of data and the development and documentation of scientific and regulatory determinations about each active ingredient. In addition, increased automation of EPA laboratory facilities may be required to support the efficient validation of residue methods and other activities related to tolerance reassessment.

III. Expedited Registration

Because of budgetary constraints in 1986 through 1988, EPA was forced to choose among competing priorities. The Agency chose to concentrate its resources on processing applications for new pesticide active ingredients and new uses and on reregistration activities. Processing of applications for registration of pesticide products that are identical or substantially similar to another registered pesticide product (referred to as "me-too" applications) and minor amendments to existing registrations were given a lower priority. This redirection of resources resulted in a predictable backlog of "me-too" applications and amendments.

FIFRA '88 requires that EPA expedite processing of these two classes of applications and authorizes up to $2 million to be allocated from the fees to be collected under the Act for that purpose. Expedited consideration must be given to applications for initial or amended registration of products which are similar to pesticides already registered with EPA. In addition, the Agency is required to expedite certain minor amendments (amendments not requiring scientific review of data).

Under the expedited review provisions, an applicant must be notified, within 45 days after the Agency receives an eligible application, whether the application is complete. Within 90 days after the Agency has received a complete application, the registrant must be notified in writing whether the request is granted or denied. If it is denied, the specific reasons for denial must be given.

As of the effective date of FIFRA '88, the Agency had over 3500 "me-too" applications and over 4500 amendments pending. Based on past years' receipts, the Agency estimates that approximately 6000 to 6500 more applications will have been received by the end of the fiscal year (September 30, 1989).

The short-term approaches to implementing the expedited registration requirements focus on attaining two goals: to handle applications received after December 24, 1988, within the statutory time frames (45 days to determine if the application is complete; 90 days to decide whether to grant or deny the application); and to process as quickly as possible applications that were pending with the Agency prior to the effective date of FIFRA '88 (referred to as backlog applications).

One action already taken which will reduce the number of applications received each year is the promulgation of the regulatory amendments to Pesticide Registration Procedures published in the **Federal Register** on May 4, 1988, and effective in August 1988 (53 FR 15952). These regulatory revisions, often referred to as the "maxi-package", define categories of amendments to registration that do not require review or approval by the Agency prior to implementation by registrants. Such amendments fall into two categories: notifications to a registration that require the registrant to notify the Agency before the modified product is distributed or sold (referred to as "notifications") and modifications not needing Agency approval or notification. Although portions of the maxi-package may have to be revised (e.g., voluntary cancellations, described in Unit II.H. of this notice certain types of amendments that previously required Agency approval now do not need to be reviewed, thereby reducing some demand on Agency resources and

permitting immediate implementation of some registrant marketing decisions.

The Agency has already taken the first steps necessary to reduce the backlog. The pending applications have been sorted first into broad categories of those requiring either minimal or no administrative review (notifications) and those requiring administrative review (e.g., product chemistry, precautionary labeling, use directions). The Agency intends to reduce substantially the backlog of applicants by the end of September 1989.

To improve the efficiency of processing applications, a front-end processing operation to screen all applications is being developed and will be in place this spring. This centralized processing unit will send only complete applications on for review by the product management teams. If an application is found to be incomplete, the unit will generate a letter within the statutory 45-day time frame enumerating the application's deficiencies and send the application package back to the applicant.

In addition, the Agency is developing guidance for registrants' use in preparing applications for registration of pesticide products. The Agency spends a significant amount of time reviewing applications that are poorly done or that require several resubmissions. Improved guidance will aid applicants in correctly completing the required forms and documents, thereby reducing the Agency's review time and the number of resubmissions necessary. A new instruction booklet will also serve as a training guide for Agency staff and contractors. The agency has sent a draft of the booklet to trade associations and others for comment.

Longer-term plans focus on evaluating the current registration program and identifying areas for improved efficiency. The Agency will focus on the daily operations of the product management teams and identify measures that can be adopted to increase efficiency and productivity. As part of the Office of Management and Budget's (OMB) Productivity Improvement Program, a productivity study is being conducted of the registration process. Results from this study could serve as a basis for potential changes in areas of the registration process to increase productivity.

The evaluation of the registration program will identify operational areas that consume time and resources unnecessarily, and therefore need to be streamlined and improved. This approach will focus on measures to reduce the daily activities on the product management teams so that resources can be used more effectively to processs actions under the expedited processing provision of FIFRA '88, as well as other program activities (e.g., new chemical and significant new use registrations). In evaluating potential process changes, the Agency will consult with the regulated industry and the public to obtain insights and to identify areas where cooperative activities can lead to improved efficiency, (e.g., automated data submission).

As the Agency seeks to simplify the registration process, additional systems may be needed. The primary data processing support required in the short-term is improvement in and integration of internal application tracking systems and product inventory systems. These improvements will facilitate the handling of the increased information necessary to eliminate the application backlog and to monitor compliance with the new statutory processing times. In addition, a study of the feasibility of providing direct registrant access to tracking information will be conducted.

IV. Fees

Accelerated reregistration and expedited processing of certain registration actions will be resource intensive regulatory processes expected to cost at least $260 million over the 9-year period provided by Congress. Approximately $110 to $120 million of these costs are expected to be met from a continuation of the current service level of EPA's budget for reregistration. The remaining money is to be obtained from two new fees, (1) a reregistration fee for each active ingredient subject to reregistration, and (2) an annual registration maintenance fee for each pesticide registration.

The registration maintenance fees are intended to generate about $14 million per year for each of the next 9 years, and should thus generate about $125 million in total. The reregistration fees have various provisions for exemptions and waivers. Overall, the reregistration fee should generate about $25 to $50 million in revenues. EPA's current budget for reregistration, along with the registration maintenance fees and the reregistration fees, will provide approximately the resources required.

A. Maintenance Fees

FIFRA '88 provides for a yearly registration maintenance fee for each pesticide registration to be paid to EPA. The maintenance fees are applicable to all pesticide registrations. Current EPA records indicate that there are about 35,000 to 40,000 products registered under FIFRA. Congress calculated the initial fee levels to generate $14 million per year based on the number of registrations in EPA records at the time. Initial fees established in the law are $425 per registration for up to 50 registrations held by the same registrant plus $100 per registration for each additional registration up to 200 held by the same registrant.

Although there is no provision for waivers or reductions in maintenance fees, maximum fees per registrant were established. The maximum amount to be paid by a registrant each year with up to 50 registrations is $20,000; for those having more than 50 registrations, the maximum is $35,000.

The authority to levy the registration maintenance fee extends for 9 years. During this time period, the Agency is prohibited from levying any other fee for the registration of a pesticide product. A Federal Register Notice published on March 22, 1989 (54 FR 11922), suspended the registration fees established by regulation on May 26, 1988 (53 FR 19108).

The Agency expects that imposition of annual maintenance fees, as well as the other requirements of FIFRA '88 will result in a number of voluntary cancellations of economically marginal or inactive product registrations. While for many registrants the fees envisioned are not significant, there are some registrations for products which have been out of production for some time or whose sales are not sufficiently large to justify even a modest fee. Therefore, the number of registrations subject to fees, is expected to be smaller than the number in existence when Congress established the initial fee levels. EPA is required by FIFRA '88 to adjust the annual fee levels to generate the $14 million specified in FIFRA '88.

For this first year of registration maintenance fees, the Agency will collect the original fees of $425 and $100. The total to be collected in 1989 is therefore expected to fall short of the target. However, the Agency expects to have enough resources to accomplish what is required the first year.

To collect the first year's maintenance fees, the Agency has updated its product records based on the best information available and has sent a form to over 4500 registrants to complete and to return payment of fees, which were due to EPA by March 1, 1989. The registrant of record on March 1 is responsible for payment of the maintenance fee. If a registrant is in the process of transferring a registration to another registrant, but the transfer is not yet complete, the transferor is the registrant of record. If the fee for a product is not

paid by the time prescribed, the Agency, by order and without hearing, may cancel the registration. The filing form also gives registrants the opportunity to request cancellation of a registration in order to avoid payment of fees on a registration the registrant may no longer wish to support.

In future years, the fees will be adjusted to comply with the intent of Congress that, as nearly as possible, $14 million per year be generated. Maintenance fees will be due on March 1 of each year.

B. Reregistration Fees

Additional money will be collected from fees levied on the registrants of each active ingredient which is subject to reregistration, including those active ingredients for which Registration Standards have already been issued by the Agency. The size of the reregistration fees prescribed by FIFRA '88 is related to the amount of Agency review required for reregistration. Active ingredients with major food or feed uses are to be charged $150,000. Active ingredients with no major food or feed uses for which Registration Standards have been issued (those on List A) will be charged $50,000 to $100,000; those for which a Registration Standard has not been issued (those on Lists B, C, and D) will be charged $75,000 to $150,000.

1. *Calculation of the fee.* Consistent with the fee structure described above, all the individual active ingredients which would be included in an active-ingredient case (see Unit I.A.) will be considered to be one "active ingredient" for the purpose of the calculation of reregistration fees.

The reregistration fee is to be paid for each active ingredient subject to reregistration with the exception of the active ingredients eligible for waivers, discussed in Unit IV.B.2. Registrants who are eligible for a Generic Data Exemption because they purchase registered pesticides in order to formulate another registered product are exempt from contribution to the reregistration fee.

When there are two or more sources of the same active ingredient, the fee will be apportioned among all of the nonexempt registrants by market share for the past 3 calendar years. When a registrant chooses to withdraw support for a registered active ingredient and therefore does not contribute to the fee, the fee to be paid shall be reapportioned among the remaining registrants.

Although the reregistration fee is a one-time-only fee, the law provides for Lists B, C, and D fees to be paid in two installments (the first in Phase 2 and the second in Phase 3). The schedule for payment of List A fees is left to the discretion of the Agency but will depend, in large part, on the time required to obtain and process the required information on exempt or nonexempt status and market shares.

Before billing registrants of products containing a particular active ingredient for their proportional share (if any) of the required reregistration fee, the Agency will obtain through Phase 2 responses specific information on whether or not a registrant's source of the active ingredient is another registered product. This will enable the Agency to identify accurately those products which are exempt from the reregistration fee. For those products which are not formulated from a registered source of active ingredient, each registrant will also be required to furnish market share information to be used in calculating the proportional contribution required. Each non-exempt registrant will also be afforded an opportunity to claim eligibility for and submit data supporting a small business waiver. The required contribution by each non-exempt registrant will be generally proportional to that registrant's market share on an active ingredient basis for the preceding 3 years. Nevertheless, a minimum contribution will apply for those non-exempt registrants who have no market share, and the contribution may be reduced for those registrants who are eligible for a small business waiver.

2. *Fee waivers and reductions.* FIFRA '88 contains several provisions for exemptions and reductions, or partial waivers, of the reregistration fees. Small businesses, defined as those firms having 150 or fewer employees and average annual gross sales of chemicals in the prior 3 years not exceeding $40 million will receive a partial waiver of fees depending on their average annual sales of pesticides containing the particular active ingredient.

Antimicrobial pesticide active ingredients having no registered food or feed uses and with production under 1 million pounds of that active ingredient are exempt from the reregistration fee. Antimicrobial pesticides with production levels larger than 1 million pounds of active ingredient or having uses on food or feed sites are subject to the same fees as other types of pesticides.

FIFRA '88 also provides for exemptions from fees for active ingredients which are contained only in pesticides registered solely for agricultural or nonagricultural minor uses. If, for a single active ingredient, regardless of use pattern, the value or volume of use is small, an exemption will be given for that pesticide from the reregistration fee.

C. Management of Funds

FIFRA '88 states that there shall be established in the Treasury of the United States a reregistration and expedited processing fund. All fees collected shall be deposited into the fund and shall be available to the Agency without fiscal year limitation to carry out reregistration and expedited processing of eligible applications.

The fund will be a "Revolving Fund". The formal definition of a revolving fund, as published by the Government Accounting Office (GAO), is a "Public Enterprise Revolving Fund Account: Expenditure account authorized by Congress to be credited with collections, primarily from the public that are generated by, and earmarked to finance, a continuing cycle of business-type operations."

The revolving fund will receive funds from fees paid by registrants. EPA will receive an apportionment (approval to spend funds) from the Office of Management and Budget (OMB) after submission and approval of an apportionment request. However, the Agency is allowed to spend only the amount that is in the revolving fund. Money in the fund not currently needed shall be maintained on deposit or on hand, invested in obligations of the United States or those guaranteed thereby. The investments are made by the Department of the Treasury with input by EPA if requested.

The funds received in the Revolving Fund will be available to EPA for use only for reregistration and expedited processing and will be "No Year" funds. This means that the budget authority remains available for obligation for an indefinite period of time, usually until the objectives for which the authority was made available are attained.

FIFRA '88 requires the Agency to provide Congress with an annual accounting of the fees collected and disbursed from the fund. The revolving fund has been established, and the budget process is underway. The Agency is developing an accounting system to track all funds received and disbursed to meet annual reporting requirements.

V. Storage, Transportation, and Disposal of Pesticides

The 1988 amendments significantly expand EPA's authority to regulate the storage, transportation, and disposal of pesticides. FIFRA '88 provides that EPA may, by regulation or as part of an order

issued under section 6 of FIFRA (the section dealing with cancellation and suspension of pesticides), issue requirements for storage, transportation, or disposal of pesticides, their containers, rinsates, or other materials which may be contaminated with such pesticides. The Agency may exercise this authority through the imposition of data and labeling requirements for pesticide registration, and through other regulations governing the handling of excess pesticides, containers, rinsates (such as the rinsings from containers), and other materials contaminated by pesticide residues, as well as the institution of recall plans for suspended and cancelled products, which is discussed in Unit VI of this notice.

The authority to regulate storage, transportation, and disposal of pesticides must be exercised in a carefully planned, step-by-step approach, not only because of the resources it will require, but also because the Agency needs more information before priorities can be established and effective procedures, guidance, and regulations can be developed.

Although this regulatory effort will require 3 years or more for full implementation, the Agency will begin in 1989 to facilitate better disposal practices and waste minimization. EPA will explore opportunities for improved disposal, transportation, and storage through its outreach efforts, certification and training program, information exchange, and policy pronouncements. These efforts will help reduce environmental harm and assure the success of the Agency's regulatory efforts when fully implemented.

A. Storage, Transportation, and Disposal

The Agency plans to establish requirements for storage, transportation and disposal of pesticides through revisions to existing regulations (currently in 40 CFR Part 165). In developing regulations, the Agency will take into consideration the regulatory intent of the Resource Conservation and Recovery Act (RCRA), as well as the Agency's experience in that program.

Although EPA will continue to gather information on methods of disposal of excess stocks, which may alter our current knowledge of disposal technology, the Agency plans to begin immediate development of pesticide disposal criteria and procedures to be followed under a section 6 suspension or cancellation order. The revisions to existing regulations are scheduled for completion in December 1991.

B. Labeling

The Agency is also authorized to require pesticide product labeling to include requirements and procedures for the storage, transportation, and disposal of the pesticide, containers, rinsates, or other materials which may contain residues of the pesticide.

The Agency believes that it may be appropriate to require significant labeling changes. However, until procedures and guidance are developed and prescribed by regulations, and until transportation, storage, and disposal data are received from registrants or other sources, major changes in labeling requirements may be premature.

C. Containers and Container Rinsates

To reduce problems associated with pesticide containers, EPA is required to conduct a study to examine the feasibility of returnable/refillable containers, formulations that facilitate the removal of pesticide residues from packaging, and the use of bulk storage facilities. EPA must promulgate regulations for the design of containers which will ensure that pesticide containers will facilitate residue removal, safe use, disposal, and reuse of containers. In addition, EPA must issue regulations prescribing methods of removing pesticides from containers prior to disposal. FIFRA '88 also authorizes EPA to require labeling as described in paragraph B of this unit and to adopt regulations for the storage, transportation, and disposal of containers, rinsates, or other materials used to contain or collect excess or spilled pesticides which have been suspended or cancelled.

1. *Container and rinsate study.* The Agency is required to conduct a study of ways to encourage or require (1) the return, refill, and reuse of pesticide containers; (2) the development of pesticide formulations that facilitate removal; and (3) the use of bulk storage systems to reduce the number of containers for disposal. The Agency must consult with a wide range of affected and interested parties and must determine the feasibility and costs of the alternatives. A report of these findings must be submitted to Congress by December 1990. From Committee testimony and other Congressional guidance, the Agency interprets the container study mandate in broad terms, not limiting scrutiny to agricultural and commercial formulations and associated packaging. The Agency recognizes that certain formulations or packaging may promote the introduction of pesticide residues into the environment (such as leakage into ground water). The Agency believes that such configurations should be identified and eliminated, and that safer designs should also be identified and required.

The Agency will fulfill this requirement using contract support. Interested Federal and State agencies, environmental groups, and private industry met on December 7, 1988, to provide comments on the proposed contract. The contractor's findings will be used in support of planned regulatory changes affecting disposal, transportation, and storage.

2. *Pesticide container design.* By December 1991 the Agency must promulgate final regulations for the design of pesticide containers that will promote safe storage and disposal. The regulations must ensure that the container designs facilitate (1) residue removal; (2) safe use (e.g., no "splash-back" or leakage); (3) disposal of containers; and (4) safe refill and reuse of containers.

The results of the container study described in this unit will be used in the formation of these regulations. Full compliance with the provisions of these regulations is required beginning December 1993. A Compliance Strategy will be developed and issued along with the regulations.

3. *Pesticide container residue removal.* By December 1991 the Agency must promulgate regulations prescribing procedues and standards for removal of pesticides from containers. The regulations may provide for: (1) Triple rinsing or the equivalent residue removal standards for pesticide removal; (2) procedures that can be implemented promptly for residue removal; (3) reuse/disposal of rinse water and residue; and (4) coordination of requirements under FIFRA with applicable provisions of the Resource Conservation and Recovery Act of 1976. Using the information gained from the container study, the Agency will promulgate Part 165 regulatory procedures that provide for the minimization or disposal of rinsates.

4. *State primacy.* Under section 26 of FIFRA, States which have approved compliance programs and enforcement procedures have primary enforcement responsibility for pesticide use violations, and under section 4, States with an approved certification plan are responsible for certifying pesticide applicators with respect to that State. Beginning in December 1993, States may not exercise primary enforcement responsibility under section 26 or certify applicators under section 4, unless the Ageny finds that the State is carrying out an adequate program to ensure

compliance with the new regulations pertaining to pesticide residue removal. A means of reviewing State compliance programs will be developed along with other regulatory revisions.

C. Data Requirements

FIFRA '88 further provides that EPA may require registrants to submit data regarding methods of safe storage and disposal of pesticides. The Agency intends to investigate what data requirements would be appropriate to effect safe storage for excess quantities of pesticide formulations. The Agency has also noted a lack of formulation-specific data on the best methods for disposal and the environmental fate of products that have been disposed of by various methods. The Agency is investigating what data requirement would be most useful and will amend the Part 158 registration data requirements as necessary.

VI. Recall, Storage, and Indemnification of Suspended and Cancelled Pesticides

Under FIFRA '88, if the Agency finds that recall of a pesticide which has been suspended and cancelled under section 6 is necessary to protect health or the environment, a recall must be ordered. The 1988 amendments also deleted from the law the requirement that EPA, upon request, must accept and dispose of suspended and cancelled pesticides at government expense. The costs of storage are now to be shared by the registrant and EPA according to a formula detailed by the Act. In addition, indemnification provisions are altered so that only end users and, under limited circumstances, certain dealers and distributors are automatically entitled to indemnification payments from EPA, and the cost is not to be borne by the Agency budget.

A. Recall Provisions

In general, if the registration of a pesticide has been suspended and cancelled and EPA finds that a recall is necessary, the Agency can initiate either a voluntary or a mandatory recall.

If EPA finds that a voluntary recall may be as safe and effective as a mandatory recall, the Agency must request the registrant to submit, within 60 days, a plan to recall the pesticide. EPA must order the registrant to conduct a recall in accordance with the plan unless the Agency determines after an informal hearing that the plan will not protect health or the environment.

The mandatory recall procedure, issued as a regulation, may require that registrants, distributors, or sellers of the pesticide (a) make storage facilities available to receive pesticides being recalled and inform the EPA Administrator of the location of each facility; (b) accept and store existing stocks of pesticides; (c) on request of persons holding such pesticides, provide transportation of the pesticide to a storage facility; and (d) take reasonable steps to inform holders of the pesticide of the recall regulations, provisions, and transportation arrangements. EPA will define the criteria for acceptable recall plans and all requirements that must be fulfilled through the adoption of regulations.

1. *Financial resources to conduct a recall.* EPA also is authorized to require registrants to give evidence of their financial and other resources demonstrating capability to carry out a prescribed recall and provide for the disposition of the pesticide in the event of suspension and cancellation. The Agency will examine this authority and propose the format and the circumstances where this authority can best be used.

B. Storage Cost Reimbursement

A registrant who wishes to become eligible for reimbursement of storage costs incurred as a result of a recall must submit a plan for storage and disposal of the pesticide that meets criteria established by EPA. The plan must be reviewed and approved by EPA. Through the formula for reimbursement set forth in FIFRA '88, both the Agency and the registrant are given an incentive to complete this process as expeditiously as possible. EPA is required to reimburse registrants for storage costs as follows:

(1) None of the costs incurred before the date of the submission of the plans to EPA.

(2) One hundred percent of the costs incurred after the date of the submission of an acceptable plan or the date of cancellation of the pesticide, whichever is later, but before the approval of the plan by EPA.

(3) Fifty percent of the costs incurred during the 1-year period beginning on the date of approval of the plan or the date of cancellation of the pesticide, whichever is later.

(4) None of the costs incurred during the 3-year period beginning 1 year after the approval of the plan or the date of cancellation, whichever is later.

(5) Twenty-five percent of the costs incurred during the period beginning with the 5th year following the approval of the plan or the date of cancellation, whichever is later, and ending on the date that a disposal plan for the pesticide can be implemented.

Although the provisions for storage reimbursement are generally self-executing, FIFRA '88 does state that any plan for storage and disposal must meet criteria established by EPA by regulation. These criteria will be established through regulations scheduled for completion in December 1991.

C. Indemnification Provisions

The new indemnification provisions require EPA to indemnify end users of pesticides that have been both suspended and cancelled by making payments from a general appropriation called the Judgement Fund (31 U.S.C. 1304), which is used to pay claims against the government. A buyer who is not an end user may obtain reimbursement from the seller of the pesticide for losses caused by either suspension or cancellation, of the registration. The seller must reimburse that buyer unless the seller gave written notice at the time of sale that reimbursement would not be provided. Pesticide dealers and distributors who own a quantity of pesticide which has been both suspended and cancelled are also entitled to reimbursement from the Judgement Fund if they suffer losses because the person who sold to them is insolvent (and that person had not previously given notice that reimbursement would not be provided). These provisions for payment from the Judgement Fund should result in less delay in payment of those entitled to indemnification than has been the case in the past.

Anyone else who suffers losses due to the suspension and cancellation of a pesticide may be reimbursed only if Congress provides a line-item appropriation for that purpose. This new provision was not intended to change EPA's existing obligation to indemnify owners of pesticides that were suspended and cancelled before FIFRA '88 went into effect. The Indemnification provisions of FIFRA '88 are effective on April 24, 1989.

D. Notice Requirements

Section 6 of FIFRA pertains to administrative review, suspension, and cancellation of pesticide registration. Under the new section 6(g) of FIFRA, various registrants, producers, sellers, distributors, and commercial applicators of pesticides which have been cancelled or suspended under FIFRA section 6 must notify the Agency and appropriate State and local governments of such possession, quantities, and the place held.

The Agency, working with the States, will explain how such notification should take place. A **Federal Register**

Notice will be published to communicate the notice requirements to the public.

VII. Compliance Provisions

FIFRA previously gave EPA the authority to require producers of pesticides to keep certain records regarding their products, including sale and distribution records, and the data that supported the registrations. Under FIFRA '88, EPA can extend these requirements for recordkeeping to registrants and applicants for registration as well.

FIFRA '88 also gives the Agency clear authority to issue regulations that limit the sale, distribution, and use of unregistered pesticides if necessary to prevent unreasonable adverse effects on the environment, and explicitly provides that violation of any such regulation is an unlawful act. Under the former law, the Agency's authority in this area and ability to take action against violators were not always clearly defined.

A. Books and Records

The Agency may prescribe regulations which require producers, registrants, and applicants for registration to keep records concerning their operations and the pesticides and devices produced, as necessary for effective enforcement of the Act. The current regulations at 40 CFR Part 169 will be revised (scheduled for completion in August 1991) to include registrants and applicants for registration.

B. Unregistered Pesticides

The Agency may, by regulation, limit the sale, distribution, and use of pesticides that are unregistered, or not covered by the provisions of an Experimental Use Permit (section 5) or Emergency Exemption (section 18), if necessary to prevent such activities from causing unreasonable adverse effects on the environment. The Agency, in consultation with States, will determine the need for regulations to address specific situations where the sale, distribution, or use of unregistered pesticides could result in environmental risk.

C. FIFRA Enforcement Response Policy

There are a number of other changes or additions to section 12 or FIFRA, Unlawful Acts. For example, it is now unlawful to:

(a) Refuse to prepare, maintain, or submit records or reports required by various sections of the Act.

(b) Violate suspension orders issued under sections 3(c)(2), 4, or 6.

(c) Fail to notify the Agency or appropriate state if in the possession of a cancelled or suspended pesticide.

(d) Submit false information to the Agency in support of a registration or relating to tests on a pesticide.

(e) Violate a regulation under section 3(a) or 19. A revised FIFRA Enforcement Response Policy will be produced to insure uniform enforcement of these provisions across all EPA regions. The revised policy is scheduled for completion in December 1989.

D. Criminal Penalties

Criminal penalties for knowingly violating any provision of FIFRA by a registrant, applicant for registration, or producer now include a fine of not more than $50,000 or imprisonment for not more than 1 year, or both.

Commercial applicators of restricted use pesticides or other pesticide sellers who knowingly violate the provisions of FIFRA are subject to fines of up to $25,000 or imprisonment for up to a year or both.

VIII. Scientific Advisory Panel

The Administrator's Scientific Advisory Panel (SAP), is a group of independent, non-government experts who convene to advise the Agency on major scientific issues under FIFRA. In the past the SAP was required to be reauthorized by Congress every 5 years. FIFRA '88 makes the SAP permanent.

IX. Communications

Successful implementation of FIFRA '88 will require effective communications on many levels. The Agency plans to communicate major decisions and significant activities according to individual Communication Strategies which will be developed for each action as it occurs. For example, some of the activities for which communications are already being planned are: the issuance of each list in Phase 1, establishment of front-end processing for expediting eligible applications, cancellations (both voluntary and for failure to comply), issuance of guidelines and regulations, major fee announcements, resolution of major issues, and individual active ingredient decisions.

In many cases, actions and decisions will be published in the **Federal Register**. FIFRA '88 requires publication in the **Federal Register** of the chemical lists, all regulations, and certain other notices. In addition, there may be other actions and notices that the Agency will publish in the **Federal Register** to increase their availability.

Communication strategies generally include announcements to the press, mailing information to interested parties, and telephone contact with key affected groups. The pesticide industry (chemical manufacturers, formulators, distributors, and retailers) and their support industries (such as laboratories); pesticide users (farmers, commercial applicators, institutions, and household users); the food industry (growers, processors, and retailers); and environmental and public interest groups, as well as individual concerned citizens—each has an interest in EPA's implementation of this new law. The Congress, EPA Regions, State and local governments, other Federal agencies, and international interests also must be kept informed.

The Agency has compiled an extensive mailing list of organizations known to be interested in various pesticide-related issues. Persons who have a particular interest in one or more planned activities and wish to have their names added to the mailing list may contact the Field Operations Division, Program Communications Branch at the address listed at the beginning of this notice under **"ADDRESS"** (telephone (703) 557–5017). The Agency also is interested in learning what specific types of information various groups would like to receive and suggestions on ways to improve communications among all interested parties.

A number of other activities are planned to help inform various interested groups and individuals. A fact sheet and informational charts describing the law have been distributed to EPA's regional offices, States, and other interested parties. The fact sheet has also been mailed to every pesticide registrant. The Agency plans to participate in seminars, conferences and meetings around the country where the subject of FIFRA '88 and related issues will be covered.

Dated: April 20, 1989.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

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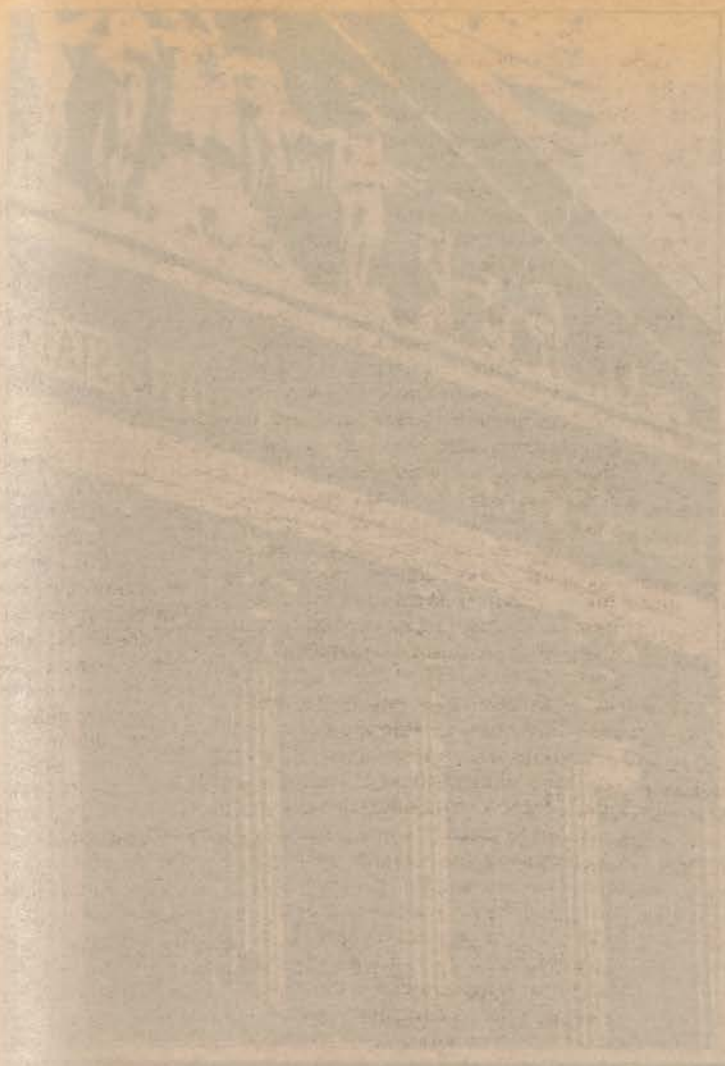

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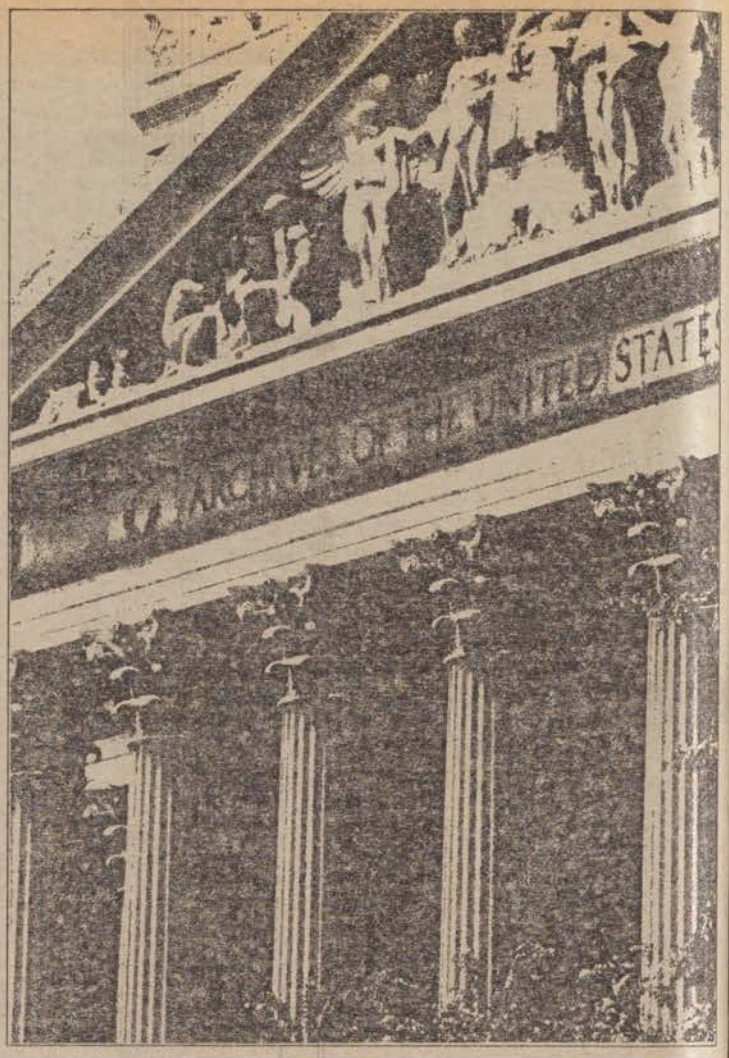

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